



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

LL

KF 27

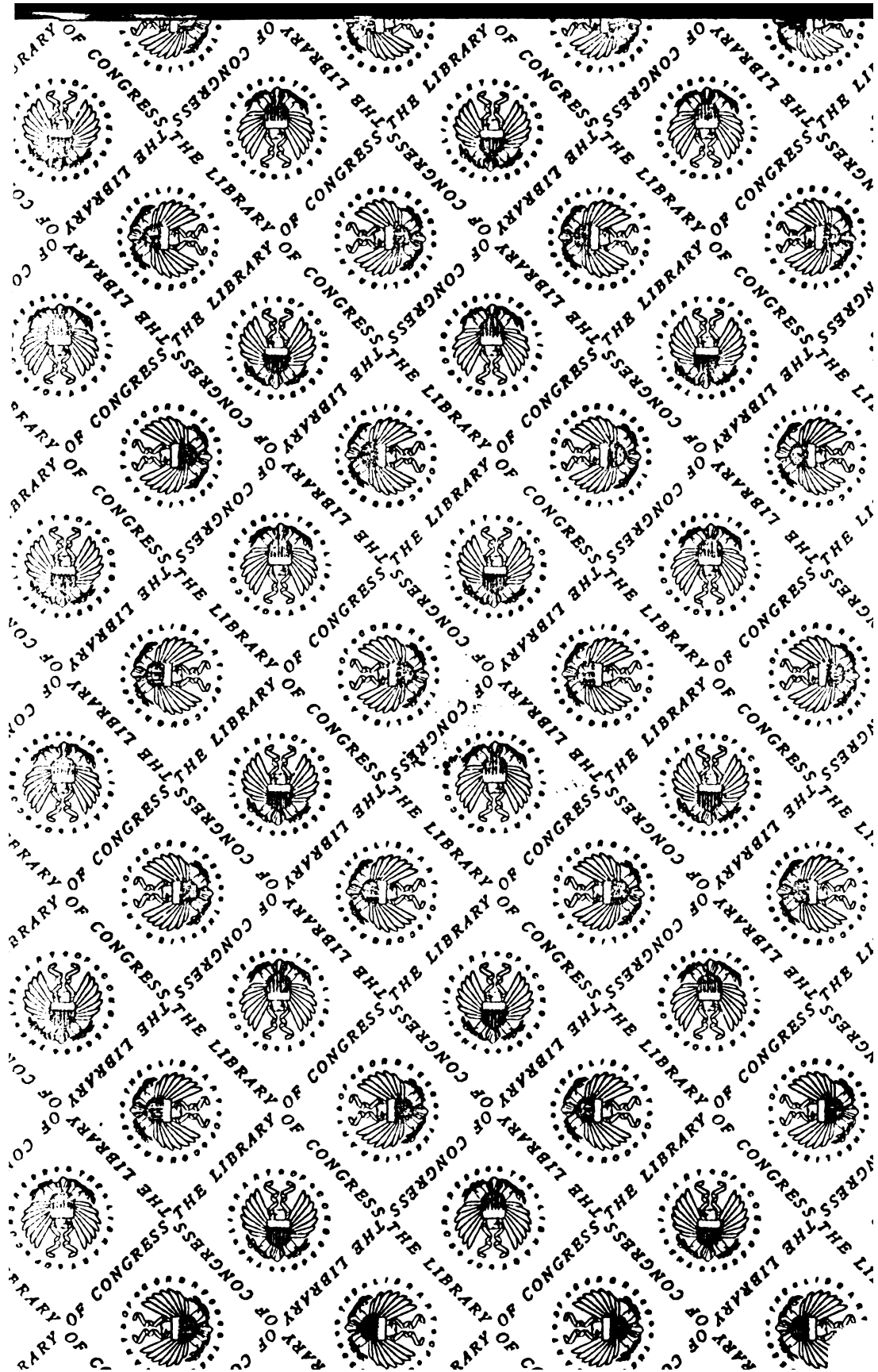
.A3

1921

ser. T

Copy 1





: F33:
92

MIGRATORY BIRD REFUGES AND PUBLIC SHOOTING GROUNDS

HEARINGS

BEFORE THE

COMMITTEE ON AGRICULTURE

W. C. C. C. HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH CONGRESS

SECOND SESSION

FEBRUARY 16 AND 17, 1922

Series T



WASHINGTON
GOVERNMENT PRINTING OFFICE
1922

Chy 5

COMMITTEE ON AGRICULTURE.

HOUSE OF REPRESENTATIVES.

SIXTY-SEVENTH CONGRESS, SECOND SESSION.

GILBERT N. HAUGEN, Iowa, *Chairman*.

JAMES C. McLAUGHLIN, Michigan.

CHARLES B. WARD, New York.

FRED S. PURNELL, Indiana.

EDWARD VOIGT, Wisconsin.

M. O. McLAUGHLIN, Nebraska.

CARL W. RIDDICK, Montana.

J. N. TINCER, Kansas.

T. S. WILLIAMS, Illinois.

J. H. SINCLAIR, North Dakota.

EDW. D. HAYS, Missouri.

CHARLES J. THOMPSON, Ohio.

FRED B. GERNERD, Pennsylvania.

FRANK CLAGUE, Minnesota.

JOHN D. CLARKE, New York.

H. M. JACOWAY, Arkansas.

JOHN W. RAINEY, Illinois.

JAMES B. ASWELL, Louisiana.

DAVID H. KINCHELOE, Kentucky.

MARVIN JONES, Texas.

PETER G. TEN EYCK, New York.

L. G. HAUGEN, *Clerk*.

LIBRARY OF CONGRESS

JAN 16 1937

DIVISION OF DOCUMENTS

1-2-1927-1

1753
1923
3924

CONTENTS.

Statement of—	Page.
Hon. Daniel R. Anthony, jr.	7
R. P. Holland.	10
Hon. Carl Hayden.	30
Frederic R. Coudert.	33
E. W. Nelson.	36
Hon. Hallett S. Ward.	43
Thomas Riggs.	47
T. Gilbert Pearson.	48
Carlos Avery.	49
John M. Phillips.	52
A. C. Baxter.	54
N. E. Simondsen.	55
M. D. Hart.	56
Hon. Lee Miles.	57
Alva Clapp.	58
William B. Greeley.	59
Joseph P. Howe.	63
Charles Sheldon.	63
Fred S. Mathias.	65
M. L. Alexander.	65
C. O. Young.	66
George W. Field.	66

1100

MIGATORY BIRD REFUGES AND PUBLIC SHOOTING GROUNDS.

COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES,
Thursday, February 16, 1922.

The committee met at 10 o'clock a. m., Hon. Gilbert Haugen (chairman), presiding. There were present: Representatives Haugen (chairman), McLaughlin of Michigan, Voigt, McLaughlin of Nebraska, Tincher, Williams, Sinclair, Clague, Clarke, Jacoway, Kincheloe, and Jones.

The committee then proceeded to the consideration of H. R. 5823, which is here printed in full as follows:

[H. R. 5823, 67th Congress, first session.]

A BILL Providing the establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act shall be known by the short title of the "Federal public shooting ground and bird refuge act."

SEC. 2. That no person shall at any time hunt, pursue, shoot, capture, kill, or attempt to hunt, pursue, shoot, capture, or kill any migratory bird included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, or collect the nest or egg of any such bird, without first having procured the license herein provided, and then only in accordance with regulations adopted and approved pursuant to the provisions of the migratory bird treaty act, approved July 3, 1918. (40 Stat. L., p. 775.)

SEC. 3. That such licenses shall be issued and the fees therefor collected by the Post Office Department through the several postmasters of the United States. The Postmaster General and the Secretary of Agriculture are hereby authorized and directed to make, from time to time, rules and regulations prescribing the manner of issuing and acquiring such licenses.

SEC. 4. That all moneys received from the sale of such licenses shall be covered into the Treasury and shall constitute a special fund to be known as the "migratory bird protection fund," which is hereby reserved, set aside, appropriated, and made available until expended as follows: Not less than 45 per centum thereof for the purchasing or rental of suitable land, waters, or lands and waters for use as public shooting grounds and migratory bird refuges, and for the administration, maintenance, and development of such public shooting grounds and refuges, and the construction of cabins and other necessary improvements; not less than 45 per cent thereof for such expenses as may be necessary for enforcing the provisions of the migratory bird treaty act, the Lacey Act (secs. 241, 242, 243, and 244, Criminal Code), for cooperation with local authorities in the protection of migratory birds, for investigations and publications relating to North American birds, and for printing and engraving licenses, circulars, posters, and other necessary matter under this act; and not to exceed 10 per cent thereof shall be expended as follows: First, such sum as the Secretary of Agriculture and the Postmaster General may determine to be necessary for the issuance of licenses under this act, of which sum the Secretary of the Treasury shall be duly notified at the commencement of each fiscal year; second, any balance remaining in the repayment of the \$50,000 as provided in section 14 of this act, and thereafter for any expense necessary to give effect to the provisions of this act.

SEC. 5. That each applicant for a license shall pay to the postmaster issuing the license the sum of \$1, and each of such licenses shall expire and be void after the 30th day of June next succeeding its issuance.

SEC. 6. That no person shall alter, change, loan, or transfer to another any license issued to him in pursuance of this act, nor shall any person other than the one to whom it is issued use such license.

SEC. 7. That no person shall imitate or counterfeit any license authorized by this act or regulations thereunder, or any die, plate, or engraving therefor; or shall make, print, knowingly use, or sell or have in possession any such counterfeit license, die, plate, or engraving.

6 MIGRATORY BIRD REFUGES AND PUBLIC SHOOTING GROUNDS.

SEC. 8. That a commission to be known as the "migratory bird refuge commission," consisting of the Secretary of Agriculture, who shall act as its chairman, the Attorney General, the Postmaster General, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such land, water, or land and water as may be recommended by the Secretary of Agriculture for purchase or rental, and to fix the price or prices at which such areas may be purchased or rented; and no purchases or rentals shall be made of any such areas until they have been duly approved for purchase or rental by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the same manner as the original appointment.

SEC. 9. That the commission hereby appointed shall, through its chairman, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year.

SEC. 10. That the Secretary of Agriculture is hereby authorized to purchase or rent, in the name of the United States, such areas as have been approved for purchase or rental by the commission at the price or prices fixed by said commission, and to acquire by gift, in the name of the United States, for use as public shooting grounds and migratory bird refuges, areas which he, after investigation, shall determine to be suitable for such purposes; and to pay the purchase or rental price and other expenses incident to the location, examination, and survey of such areas and acquisition of title thereto, from moneys in the migratory bird protection fund: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the area lies shall have consented to the acquisition of such area by the United States for the purposes of public shooting grounds and migratory bird refuges: *Provided further*, That there are sufficient moneys in the migratory bird protection fund to pay therefor.

SEC. 11. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the areas to be acquired under this act, but no payment shall be made for any such areas until the title shall be satisfactory to the Attorney General and shall be vested in the United States. That such acquisition by the United States shall in no case be defeated because of located or defined rights of way, easements, and reservations, which, from their nature, will, in the opinion of the Secretary of Agriculture, in no manner interfere with the use of the areas so encumbered for the purposes of this act: *Provided*, That such rights of way, easements, and reservations retained by the owner, from whom the United States received title, shall be subject to rules and regulations prescribed from time to time by the Secretary of Agriculture for the occupation, use, operation, protection, and administration of such areas as public shooting grounds and migratory bird refuges; and it shall be expressed in the written instrument conveying title to each area to the United States that the use, occupation, and operation of such rights of way, easements, and reservations shall be subordinate to and subject to such rules and regulations.

SEC. 12. That any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act shall have power, without warrant, to arrest any person committing a violation of this act, or any regulation made pursuant to this act, in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this act; and shall have authority, with a search warrant, to search any place. The several judges of the courts established under the laws of the United States, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Any fish, wild animal, or bird, or part thereof, or nest or egg of any bird, captured, killed, or taken contrary to the provisions of this act, or of any regulations made pursuant thereto, shall, when found, be seized by any such employee, and upon conviction of the offender or upon judgment of a court of the United States that the same was captured, killed, or taken contrary to the provisions of this act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.

SEC. 13. That no person shall take, hunt, pursue, shoot, capture, trap, snare, kill, disturb, or attempt to take, hunt, pursue, shoot, capture, trap, snare, kill, or disturb any fish, wild animal, or wild bird, or collect, destroy, or disturb any nest or egg of any such bird on any land, water, or land and water of the United States which here-

of ore has been or which hereafter may be set apart or reserved as a public shooting ground or bird or game refuge under this Act, any other law, proclamation, or executive order, or disturb, injure, or destroy any notice, signboard, fence, building, or other property of the United States thereon, or cut, burn, or destroy any timber, grass, or other natural growth thereon, or enter thereon for any purpose, except in accordance with rules and regulations which the Secretary of Agriculture is hereby authorized and directed to make.

SEC. 14. That in order to pay initial expenses, including purchases of supplies, printing and distribution of licenses, circulars, posters, and other necessary matter, and for all other expenses that may be necessary to carry into effect the provisions of this Act, the sum of \$50,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available, upon the passage and approval of this act until expended, which sum shall be covered into the Treasury in five equal annual payments from the migratory bird protection fund.

SEC. 15. That any person, association, partnership, or corporation who shall violate any of the provisions of section 7 of this act shall be subject to the penalties prescribed by section 219 of the Criminal Code of the United States; and any person, association, partnership, or corporation who shall violate any other provision of this act, or who shall violate or fail to comply with any regulation made pursuant to this act shall be deemed guilty of misdemeanor and upon conviction thereof shall be fined not more than \$500 or be imprisoned not more than six months, or both.

SEC. 16. That this act shall take effect on its passage and approval, except the provisions requiring the use of licenses, which shall take effect on the 16th day of August, 1922.

THE CHAIRMAN. The committee has met this morning to consider H. R. 5823, known as the Federal public shooting ground and bird refuge act, which has been introduced by Mr. Anthony. Mr. Anthony, whom have you here to testify?

MR. ANTHONY. From all appearances there are quite a large number, Mr. Chairman, but Mr. Burnham and Mr. Holland, of New York, will be able, I believe, to tell more about that than I can.

MR. BURNHAM (president American Game Protective Association). We have quite a number of witnesses here. We would like to present several of them this morning.

THE CHAIRMAN. Whom do you suggest first?

MR. BURNHAM. Mr. Anthony.

STATEMENT OF HON. DANIEL R. ANTHONY, JR., A REPRESENTATIVE IN THE CONGRESS FROM THE STATE OF KANSAS.

MR. ANTHONY. Mr. Chairman, I desire to make just a brief introductory statement in regard to the bill that is before the committee. I am sure there are a large number gentlemen here this morning who will be able to explain to the committee probably more in detail and more to your satisfaction the great aid which it is hoped will be achieved by the enacting of this legislation.

Briefly, the object of the bill is to create game refuges and public shooting grounds in this country through the imposition of a Federal hunting license. When we enacted the migratory bird law a number of years ago we hoped that we would be able to put a stop to the rapid diminishing of the number of wild fowl in this country. To the gratification of the friends of that legislation, we have in the last few years seen the migratory wild fowl in the United States increase in numbers year by year, until we again have what might be called a bountiful supply of wild fowl.

But the situation to-day is that with the increasing numbers of wild fowl the breeding grounds of these birds are steadily diminishing. Large areas of the swamp lands and waste lands of this country have been drained, which have taken away great areas that formerly were the breeding grounds of these birds. To the shooting public, to the man who loves to go afield to shoot these birds in the proper season, this means that he is deprived of shooting grounds in which to enjoy this sport, and to-day the bulk of the areas in which good duck shooting can be had are controlled by private persons, by clubs and associations, and the great mass of the people are denied the opportunities for that sport that they had in former years.

It is thought that there are 60,000,000 acres of marsh land in this country to-day that could be taken over and conserved by the Government for this purpose, which, under proper regulation, would afford adequate breeding grounds for the migratory birds that, as I say, are increasing year by year, and that would afford shooting grounds for the use of the public of this country, under Federal regulation.

The argument is made that much of the marsh land that has been drained in recent years for agricultural purposes, but has failed of its object, in that many of these lands

when drained are unfit for agriculture. I know myself of several of these projects that have proven worthless for agricultural purposes.

Mr. CLARKE. Just where are they, Mr. Anthony?

Mr. ANTHONY. There is one in Minnesota that I have in mind. There is another in Wisconsin to which my attention was called in a statement made by Senator New—the Horicon marshes there, which have been drained and much of which land has been found impracticable of cultivation. Another area to which Senator New referred in a speech in New York was over in the State of Indiana, where a large area was drained and afterwards found unfit for agriculture, which if it had been left in its natural state would have been a great help toward the conserving of our migratory birds.

It is thought that there will probably be a million Federal hunting licenses taken out under this legislation, which at a dollar apiece would raise a fund of a million dollars annually. Under the terms of the bill it is proposed that 45 per cent of that money be used for the purchase of lands such as I have described, that another 45 per cent be used for the purpose of looking after these lands and enforcing the migratory-fowl laws and other game laws in this country which are now laxly enforced, and that 10 per cent of the fund be used for the expense of its administration. So it is hoped there will be no burden upon the Government.

Mr. CLARKE. Do you think that 10 per cent would cover the administrative end of it?

Mr. ANTHONY. So far as the expense of the issuance of the Federal licenses is concerned, I think that for the purely administrative end of it that amount would be sufficient.

Now, Mr. Chairman, I would be glad if you would hear these other gentlemen.

Mr. JACOWAY. Just a minute, Mr. Anthony. I want to ask you a question with reference to section 12, page 6. Of course, if you pass a law you want to have the law popular, if you can. Do you think that the authority should be given to any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act? Do you think the power should be given to him to make an arrest without warrant?

Mr. ANTHONY. I think that if an official of the Government saw a violation of this act, which would mean the shooting of game unlawfully, out of season, he ought to have the power to make the arrest.

Mr. JACOWAY. I want to agree with you on the bill if I can, but don't you think that would render your bill somewhat unpopular? And don't you think you could get around that provision in another way that would be more satisfactory to the people who hunt and to everybody else?

Mr. ANTHONY. Mr. Burnham says that the officials of the State game departments have that power of arrest without warrant.

Mr. CLAGUE. They have in my State—Minnesota.

Mr. CLARKE. I think they have in New York.

Mr. JACOWAY. The testimony before this committee in regard to bills of this character indicates that there is more dissatisfaction with reference to that section than any other section in this bill. I did not know whether you had given any attention to it, or whether the attorneys representing you in the matter had done so. But it occurs to me that a better way around could be found without putting that extensive authority in any man, whoever the Department of Agriculture may designate, and letting him make an arrest without warrant. I am just pointing out that as one of the features that I think will prove unpopular in this bill.

Mr. COUDERT. Does that do any more than make them game wardens? It simply makes use of an existing organization, instead of creating a new one.

Mr. JACOWAY. The people who live in and near the forest reserves have always objected to the plenary power that has been put in the hands of the men who go to those reserves for the purposes of controlling fires and such things. It is said that they arrogate to themselves an authority that is offensive to the people who live in the reserves and who live around the reserves, and the same thing is likely to prove true when you delegate to the Federal authority the plenary power to do something that will prove unsatisfactory and unpopular and oppressive to people who live in and around the forest reserves. I just call your attention to that.

Mr. ANTHONY. I think the committee may well take that under consideration.

Mr. VOIGT. Mr. Anthony, there is another thing in this bill that I think should receive consideration. It occurs to me that if a farmer wishes to shoot fowl on his own land he would have to take out this license.

Mr. ANTHONY. Yes; I think that every person that shoots wild fowl would have to take out a license. In fact, I think that in most of the States now if a farmer shoots a rabbit on his land he has to take out a State license.

Mr. VOIGT. I am not informed about that. But don't you think it would obviate considerable objection to this bill if we provided that a man need not take out this license to hunt on his own land?

Mr. ANTHONY. That might achieve that result, but at the same time I think if you impose a Federal license it ought to be imposed on every man that hunts.

Mr. VOIGT. Even though he shoots on his own land?

Mr. ANTHONY. Even though he shoots on his own land. Otherwise you would have large associations of men who were able to have private game clubs shooting freely on their own lands, and I think it would lead to universal evasion of the license provision of the bill.

I want to inform the committee also that this legislation has been carefully gone over by the game superintendents and game wardens of practically all of the States, and that a large majority of them—I think about 38 or 40—have expressed themselves in favor of the legislation. They are anxious for the Government to make some efforts along this line of the conservation of our migratory bird supply.

The CHAIRMAN. I call your attention to section 4. It provides that the moneys received from the sale of licenses shall be covered into the Treasury and shall be set aside, appropriated, and made available until expended. As you know, Congress has rather been getting away from these revolving funds. Is it a wise policy to revive a revolving fund here?

Mr. ANTHONY. Well, I sympathize with what you say in that respect. I know it has been the effort in every department of the Government to get away from revolving funds. Personally, I should see no objection to having the license funds put into the Treasury and the expense made part of an annual appropriation of a like amount. The idea of the bill is that it shall be self-supporting, that there shall be no charge upon the Treasury to obtain the objects that are sought.

Mr. JACOWAY. What would you class as migratory birds?

Mr. ANTHONY. Well, they are named in the treaty that we made with Canada, I think. They are ducks, geese, swan—all birds that go South in the winter and come back North and breed in summer.

I want to say it has been a gratification to me personally to notice the increase in the number of these birds in recent years. I have a farm out in Kansas, and on that farm I built a small pond or lake a few years ago for my own use, which I stocked with fish, and I shoot on it in the fall. It is just a few acres. The result is that where there used to be comparatively few birds, now, every spring there are from 500 to a thousand ducks at times on that little pond of four or five acres in extent. I went down one day last March when I was at home, and there must have been 300 or 400 ducks on that little lake, and there was almost every variety of duck except the wood duck and a few varieties like that that are almost extinct. Practically every variety of duck I had ever shot was sitting on that pond, and they were absolutely tame.

Mr. JONES. It must be that we have a pretty good law already, Mr. Anthony.

Mr. ANTHONY. We have a pretty good law already.

Mr. JONES. Don't you think we had better leave it alone then?

Mr. ANTHONY. I think in most parts of the country it is very well observed.

Mr. JONES. It occurs to me that if we charge \$1 a head there will be a lot of expense collecting it, and a lot of the people will want to hunt only just one day, and it will cause a lot of trouble and inconvenience and will be a big expense and a tremendous bother, without getting much of anything. Just from a hurried consideration of the bill, I do not see any very great object to be accomplished by it. I am anxious to listen to the testimony.

Mr. ANTHONY. If the gentleman will go into the dollars and cents side of it, there are some pretty big figures. For instance, my attention was called to the value of the ducks in the State of Minnesota last year. If I do not have the figures correct, I would like to have Mr. Burnham correct me. Was it 2,000,000 ducks that were shot there?

Mr. BURNHAM. Yes.

Mr. ANTHONY. At a value of 50 cents a duck, there was about \$1,000,000 worth of ducks shot in one State alone, which would indicate a very good observance of the game laws. That is the annual toll that is taken from the wild fowl in one State alone.

Mr. KINCHELOE. You have not much regulation though, have you?

Mr. ANTHONY. Yes.

Mr. KINCHELOE. How do you account for that, then?

Mr. ANTHONY. The ducks have increased; they have become more plentiful under the regulations of this migratory bird law.

10 MIGRATORY BIRD REFUGES AND PUBLIC SHOOTING GROUNDS.

Mr. KINCHELOE. How would your bill, if it became a law, prevent every fellow from taking out a license?

Mr. ANTHONY. We want to make it possible so that in more States than Minnesota people can enjoy that sport. As Mr. Burnham says, the poor man has no chance in most of the States because there are no grounds that protect the wild fowl.

Mr. KINCHELOE. Well, how will this give the poor man anything except the privilege of paying for a Federal license?

Mr. ANTHONY. He will have the privilege of paying the Federal license of \$1 a year, and we hope that in most of the States there will be numbers of places where, as I say, swamp lands will be set aside as public shooting grounds and breeding grounds so that the poor man will have the same chance as the rich man to shoot ducks.

Mr. KINCHELOE. You do not mean to say that the imposition of the Federal license on the poor fellow is going to give him an equal chance?

Mr. CLARKE. Mr. Kincheloe did not hear your opening statement, Mr. Anthony, about how this fund is proposed to be utilized.

Mr. KINCHELOE. I am not talking about the utilization of that fund or about the necessity for it. There is not anybody any more heartily in favor of protecting the migratory birds than I am. As you know, the various parts of the United States are laid off in zones with reference to the protection of these migratory birds. For instance, I think that Illinois and Indiana probably are all in one zone. That law is pretty well enforced in my part of the country, and if it is as well enforced elsewhere I was wondering why there should be the necessity for this additional legislation.

Mr. ANTHONY. I think it is fairly well enforced. Of course there are a great many violations of the law all over the country.

Mr. KINCHELOE. I do not agree with you, however, that the poor man gets an equal chance by paying the Federal license. It may create a better supply through affording better protection to the migratory birds, so that they will go into places in proximity to everybody.

Mr. ANTHONY. If the gentleman will reflect he will remember that in his own locality as well as in nearly every other State in the Union, the best shooting grounds are in private ownership and that the poor man to-day has no chance to get on first-class shooting grounds. They are all in private ownership or under private control. Under this law, with a lot of this land under public control for purposes of conservation, everybody will have an equal chance. This bill would involve the purchase of private lands and waste lands for this purpose.

Mr. KINCHELOE. You mean for game preserves.

Mr. ANTHONY. Yes, sir.

The CHAIRMAN. Thank you Mr. Anthony.

STATEMENT OF MR. R. P. HOLLAND, 233 BROADWAY, NEW YORK CITY, VICE-PRESIDENT AMERICAN GAME PROTECTIVE ASSOCIATION.

Mr. HOLLAND. Mr. Chairman, there are perhaps between six million and seven million shooters in the United States to-day. These figures are arrived at by the United States Department of Agriculture by taking the number of State licenses issued in the different States.

Mr. KINCHELOE. Do you mean the shooters of migratory birds?

Mr. HOLLAND. No; all kinds of shooters—quail, rabbits, and all other game.

The American Game Protective Association, which I represent, is the recognized organization of sportsmen. We have individual members and affiliated organizations in every state in the Union. They have gone into this bill—the officers and members—and it has been indorsed in general meeting. This association believes that House bill 5823 is the greatest measure for the protection of game and the perpetuation of the sport of shooting that has ever been introduced.

The ideas in the bill can not be claimed by any one man or body of men. For years and years the shooters of the east coast and the west coast and throughout the interior of the country have realized that unless marsh areas are provided where these birds may not only breed but where they may feed, where they may winter, where they may rest, their fate is sealed.

Shortly after the passage of the Federal migratory bird law the gunners throughout the country demanding that we have a Federal hunting license, to provide funds for the better enforcement of that law and to provide refuges and public shooting grounds. For many years the States have required hunting licenses in order to supply funds with which to protect the game. The question was how to issue a Federal license without a great deal of trouble, as the gentleman suggested, and without a large overhead that would eat up the profits. This bill provides that they be issued through the Post

Office Department, which would involve very little expense—only the opening of an additional account with each postmaster. This would be very convenient for the gunners. There is no man who can not reach a post office to get his license.

Since the passage of the Federal legislation there has been a great increase in the number of migratory birds; but, gentlemen, they are just as much in need of protection to-day as they were when that bill was passed. The appropriation by Congress only provides for 28 game wardens to cover the entire United States. Where this law has been observed it has been because the sportsmen realized that by the observance of it and by taking care of these birds in the spring of the year they got better shooting in the fall.

Mr. KINCHELOE. Only 28 Federal game wardens?

Mr. HOLLAND. Only 28 Federal game wardens to cover the entire United States.

Mr. KINCHELOE. Of course they cooperate with the State game wardens, do they not?

Mr. HOLLAND. Where they can. They can not in some of the States, I am sorry to say, but they cooperate with the State game wardens wherever cooperation is possible, certainly.

Mr. JONES. Most of the States require licenses. Now, to require them to get a Federal license and have all kinds of regulations and different laws governing these things would make it very burdensome to a man who lives in the locality and who is not a regular huntsman, who wants to go hunting occasionally and who is willing to comply with the law. It seems to me you are getting lots of regulations—lots of bothersome restrictions.

Mr. HOLLAND. We have given this bill the greatest publicity possible among the shooters, and we have never heard one word of opposition to this bill from the man who shoots. The newspapers of the country have commented on it editorially on both coasts and throughout the country. So we believe that if there were any opposition from the shooters we would have heard of it, and we have not up to the present time.

Mr. CLARKE. In the drafting of this bill you have consulted with the different State agencies for the protection of game?

Mr. HOLLAND. This has been taken up with all of the different State game departments. I can say in regard to that that we sent a copy of this bill to every State game department in the United States. We asked the warden's opinion of it and asked whether he favored it or whether he disapproved it and what the sportsmen of his State thought of it.

Mr. CLARKE. And the bill as drafted is really based on the suggestions of all of them?

Mr. HOLLAND. Yes. Thirty-four of these men replied immediately in very enthusiastic terms, favoring the bill.

Mr. PURNELL. You say there are some States where the Federal department can not cooperate with the State wardens?

Mr. HOLLAND. I am sorry to say there are.

Mr. PURNELL. Now, why is that?

Mr. HOLLAND. Well, there are some States where the State game department apparently is not very much interested in the protection of game.

Mr. KINCHELOE. Do you know of any of those States?

Mr. HOLLAND. I would not like to mention them. I do know them; I have worked in them.

Mr. KINCHELOE. There should not be any secret about that.

Mr. HOLLAND. Well, the attorney general of the State of Missouri was arrested for violating the game law a little while ago.

Mr. KINCHELOE. Who arrested him?

Mr. HOLLAND. I did. I was working there at the time for the department.

Mr. KINCHELOE. Does the game warden of Missouri undertake to cooperate with you?

Mr. HOLLAND. No; absolutely.

Mr. HAYES. We had a prosecuting attorney arrested out in my country a while ago for hunting without a license.

Mr. KINCHELOE. I see fish are included in this.

Mr. HOLLAND. Only in the section with relation to trespass, the section which forbids trespassing on a preserve. That is the only place fish are mentioned. It would be useless to set aside a refuge for the protection of birds or anything else unless the officers in charge had the right to forbid trespassing on such lands.

Mr. KINCHELOE. You mean that applies only to the care of the refuges contemplated in this bill?

Mr. HOLLAND. That is all.

Mr. JACOWAY. That is the only way you could reach it.

12 MIGRATORY BIRD REFUGES AND PUBLIC SHOOTING GROUNDS.

Mr. HOLLAND. That is the only way you could take care of the refuges—by prohibiting trespassing. That is the only way you could keep people off these refuges.

Mr. VOIGT. How many licenses do you estimate would be taken out under this bill?

Mr. HOLLAND. I think a million men would hunt migratory birds.

The CHAIRMAN. Have you a record of the number of State licenses taken out?

Mr. HOLLAND. The United States Bureau of Biological Survey has a record—we have it in our files—of the number of licenses issued in all the States. But you can not consider, Mr. Chairman, that those men all hunt migratory birds, because a great many of them are rabbit hunters.

Mr. KINCHELOE. Under the game laws of America a man who owns his own land has a right to hunt on his own land without paying this State license. Would he have a right under this law to shoot these ducks if they came on his own property?

Mr. HOLLAND. He would not; he would have to take out a Federal license. The reason he is granted this right to hunt local game on his own land is because that game lives its entire life cycle probably on that land, and therefore the State legislatures have permitted him in some States only to shoot that game without taking out a State license. But these migratory birds travel from the North to the South and back, and only spend a week or so in the same State during the spring and fall. They are here to-day and there to-morrow. For that reason every man that shoots these birds should be willing to do something for their protection.

Mr. KINCHELOE. Well, quail migrate a good deal.

Mr. HOLLAND. Only for food. They go comparatively short distances, such as from one farm to another, in search of food. They could hardly be called migratory birds.

Mr. SINCLAIR. Where do these migratory birds winter?

Mr. HOLLAND. Some species winter at any place where they can find open water and food, but the bulk of the eastern ducks winter along the Gulf coast—anywhere south of the Mason and Dixon line.

Mr. SINCLAIR. What protection have they now?

Mr. HOLLAND. Mighty little in some of those Southern States.

Mr. CLARKE. Well, Louisiana has very progressive laws.

Mr. HOLLAND. They are very fine. Louisiana has gone forward wonderfully in the last few years. But there are other States where the situation is different. Mississippi, for instance, has no game protective organization whatever, no State game wardens, no game laws.

Mr. JONES. They are subject, however, to the Federal law?

Mr. HOLLAND. They are subject to the Federal law, but we have only 28 game wardens to enforce that law over the entire United States under the present appropriation allowed by Congress.

Mr. KINCHELOE. They charge nonresidents a license to hunt in Mississippi, I believe.

Mr. HOLLAND. A county license.

Mr. KINCHELOE. Is that just a county affair?

Mr. HOLLAND. Different counties do that, and the same is true in other southern States. Every time you cross a county line you have to pay \$10 to hunt.

Mr. KINCHELOE. Quite a lot of ducks stay in California during the winter, don't they?

Mr. HOLLAND. Lots of them; yes.

Mr. JONES. Is it not a pretty good scheme anyway to charge them where they run from one county to another, to make them pay for it—these professional hunters? I believe that the local residents ought to be preferred.

Mr. HOLLAND. I agree with you that the professional hunter should pay, but are these people professional hunters?

Mr. JONES. Well, frequently they are. Now, the author of the bill which is before us said that this bill was largely to give the poor man a chance to hunt. Your organization is not a poor man's organization essentially, is it?

Mr. HOLLAND. It is. We hold our initial membership fee down to \$1, which does not give us anything to go on. We publish a magazine for members and after they get their subscription to this magazine we do not have anything left out of that dollar. If we did not have some men who were not poor men back of us we could not exist.

Mr. JONES. You have got a pretty nice brief, anyway.

Mr. HOLLAND. It did not cost us anything; it was donated to us.

Mr. JONES. By a poor man, I suppose. But the point I am getting at is this: Every time a bill is brought in, nearly, it is some bill to add some further regulations and restrictions and further requirements and more officers, and it seems to me there ought to be an end to it somewhere. We have a pretty good game law, which everyone concedes has increased the number of these migratory birds. Now, it seems to me that if we have the necessary appropriations to properly enforce that law there is no necessity for adding a lot more regulations and laws and rules. I am anxious to secure

information on it, but I am not very much inclined to want to make additional laws and regulations when the one you have works well and when the only criticism of it that is offered is the fact that you have not enough men to enforce it.

Mr. HOLLAND. That is the only criticism of the existing law.

Mr. JONES. Why is not the best way then simply to make an additional appropriation to get the men to enforce the present law?

Mr. HOLLAND. No matter how well that law is enforced, unless certain areas are set aside for breeding, resting, and feeding grounds where these birds can stay, their fate is sealed—no matter how well you enforce this existing law. They must have marsh lands to feed on.

Mr. JONES. Well, they say they are increasing rapidly now.

Mr. HOLLAND. They have been increasing rapidly, and at the same time every day sees some of their marshes and lakes that they use being drained, on the pretense of getting more land for agriculture. Every day we see reports in the newspapers, and even in the Congressional Record, of where those drainage projects are taking these lands away from them.

Mr. JONES. Well, have you any land surveyed, or any land in prospect for purchase under this bill?

Mr. HOLLAND. I have not personally, no; but I could name a dozen good places scattered over the United States that should be given back to the birds. They have been taken away from them and are peat bogs now.

Mr. JONES. Are any of the States doing anything on this?

Mr. HOLLAND. Louisiana, Mississippi, and Pennsylvania are carrying out the same ideas that are embodied in this bill, but only for their local game. Louisiana has refuges for migratory game, and so has Minnesota.

Mr. KINCHELOE. Let me ask you this. How long, on an average, will ducks going north or south, in transit from their winter quarters to their summer quarters, or going back, stay at a place where they land to feed?

Mr. HOLLAND. As long as water is open and they have plenty of food they will stay there indefinitely in the wintertime, until it freezes up. That is, if they are not disturbed.

Mr. KINCHELOE. Suppose a flock of birds starts from Minnesota to Florida, and they land in the river bottoms in western Kentucky. Are they likely to stay there all winter?

Mr. HOLLAND. Certain species, including the mallard, would stay there all winter, providing they have plenty of water and plenty of food.

Mr. KINCHELOE. The point is this: If this bill becomes a law, under the provisions of it every man that hunts has got to pay a dollar for a license to the Federal Government. Would not that mean that hunters in the extreme South, the destination of these birds, would have more privileges under it than people who live in the territory that they travel over in transit to their southern resorts?

Mr. HOLLAND. This would do just the opposite, I think, as it would stop many of these birds and hold them. For instance, if you had a public shooting ground in the State of Kentucky, with a certain area set aside as a refuge on which a shot was never fired, certain birds would stay there and not go on south. They would have their food there, and their open water, and they would stay there, and as flocks of birds would come out of this refuge to the public shooting grounds your citizens would get the shooting.

Mr. KINCHELOE. What advantage would it be to me to take out a license if I did not get to shoot them?

Mr. HOLLAND. You would get to them on your public shooting grounds.

Mr. KINCHELOE. You do not mean to say that these birds would stay all the winter in Kentucky, where it sometimes gets very cold, and not go on south?

Mr. HOLLAND. Well, some stayed at the mouth of the Yukon last winter—mallard ducks.

Mr. KINCHELOE. Well, if they can find food and open water up there in the wintertime, why would they not all stay in the North in the wintertime?

Mr. HOLLAND. They can not find the food. Since the passage of this Federal law it has been shown conclusively that a great many of our migratory birds have been forced to migrate by the man with the shotgun.

Mr. KINCHELOE. Do you mean that a duck, by nature, would like cold weather?

Mr. HOLLAND. He would not object to it.

Mr. KINCHELOE. Would he prefer it to warm weather?

Mr. HOLLAND. He would prefer it to real hot weather at certain seasons of the year. In the nesting season, of course, they go where it is warm.

Mr. KINCHELOE. They go north to nest, do they not?

Mr. HOLLAND. Well, they nest all through Nebraska—from Kansas north.

14 MIGRATORY BIRD REFUGES AND PUBLIC SHOOTING GROUNDS.

Mr. KINCHELOE. Do you mean to say that constitutionally a duck is a cold-weather bird?

Mr. HOLLAND. No; I do not mean that. I mean he will stay where he can get food and where he is let alone.

Mr. KINCHELOE. You mean then that the incentive that he has in the fall to go south is to get something to eat?

Mr. HOLLAND. Partly to get something to eat, when he can not get it where he is because of the weather, and on account of water; he has to have something to drink.

Mr. TINCER. As I understood you, you left the impression that all the game wardens were indorsing this bill.

Mr. HOLLAND. No.

Mr. TINCER. You know about the Western Association of State Game Wardens, I suppose?

Mr. HOLLAND. I knew that wardens from seven States out there had very recently passed resolutions opposing this bill. I have letters on file from three of those men indorsing this bill in the highest possible terms, written before they had this change of heart, which I am sure has resulted from a mistaken notion that this will interfere with their State activities.

Mr. VOIGT. Let us see. You said a while ago that you expected a million licenses would be taken out under this bill. This bill provides for appropriating 45 per cent of the money received for the enforcement of the migratory-bird law?

Mr. HOLLAND. And this bill.

Mr. VOIGT. Yes. That would give you \$450,000 for enforcement purposes, if you got \$1,000,000 out of the licenses. Of course, that would employ quite a few United States game wardens. Evidently what some of these State officials fear is that there will be such a swarm of United States game wardens that their activities will be interfered with by the Government.

Mr. HOLLAND. There is no chance that their activities will be interfered with. Of course, you understand it is going to take men to take care of these preserves. It will do no good for the Government to set aside a preserve for wild fowl unless they have a game warden on that preserve to see that the birds are protected when they are there. That is going to take the great bulk of that money. Of course, it is necessary that we have more wardens, but if you set aside a preserve you have got to have a man to look after it or it will be a preserve on paper only.

Mr. JACOWAY. Mr. Holland, what is the relation of these 28 game wardens to the State government? Have they got along harmoniously?

Mr. HOLLAND. They have done their level best to get along harmoniously, and have done so in most cases.

Mr. JACOWAY. In how many cases would you say there was not complete harmony between them?

Mr. HOLLAND. Some of these men, you must understand, have four or five States to take care of. In such cases you will find them working harmoniously with three States while one will not want to have anything to do with the Federal law; he won't take any help from them or give them any help.

Mr. JACOWAY. Is that the rule or the exception?

Mr. HOLLAND. That is the exception.

Mr. JACOWAY. Have you studied this proposition from the standpoint of the conservation of meat?

Mr. HOLLAND. I have.

Mr. JACOWAY. You stated a while ago that in your judgment a million dollars' worth of meat, in the form of mallard ducks, was saved to the State of Minnesota. Have you carried that further and found out what total amount of meat in dollars and cents would be conserved for the American people if we had a law of this kind upon the statute books or a law with teeth.

Mr. HOLLAND. It was Mr. Anthony that spoke of that. This Minnesota law provides that every man before he can take out a State license must report the game killed the year before. That gives them very definite figures. They found that over 2,000,000 migratory game birds were killed in one year in the three and a half months' legal season.

Mr. Anthony placed a value of 50 cents apiece on those birds. That is, I think, a most conservative figure. Most of them were wild ducks and geese, some geese weighing 14 or 15 pounds. Figuring the cheapest value of meat, a conservative figure would be \$1 apiece for those birds. Some States have not the game that Minnesota has; other States have more; but if that is an average it would mean that the annual crop for the United States would be 48 times 2,000,000.

Mr. JACOWAY. That would not be true, of course.

Mr. HOLLAND. No, I do not believe it would. I think that would be too high.

Mr. JACOWAY. What would you say, in dollars and cents?

Mr. HOLLAND. Well, I would think at least \$75,000,000 worth of migratory birds are killed every year in the United States. There are a few States that do not have very good water fowl shooting, while some States kill more than Minnesota.

Mr. KINCHELOE. You will agree that the success of the present law has been largely due to cooperation by the State game wardens?

Mr. HOLLAND. Largely due to cooperation by the State game wardens, but it has been more largely due to the cooperation of the man who shoots ducks, because he knows that he has to protect this stuff and take care of it if he is to have his sport.

Mr. KINCHELOE. You spoke of those 28 game wardens. Those 28 game wardens have deputies everywhere, haven't they?

Mr. HOLLAND. They have some dollar-a-year men: yes, sir. They are generally State men, and they are paid a dollar a year, and some of them occasionally do very good work.

Mr. KINCHELOE. Do you think that all these shooters, these poor fellows included, would be made more enthusiastic for the preservation of this game by having the privilege of paying a dollar for a license?

Mr. HOLLAND. They would be more enthusiastic, because they would have public shooting grounds set aside for them.

Mr. KINCHELOE. Well, those public shooting grounds would not be practicable, taking it all over the United States. You take the State of Kentucky, or Indiana, or Illinois. You could have a public shooting ground at Reelfoot Lake down there at the southwestern part of Kentucky, but that is the only place within a radius of 200 or 300 miles.

Mr. HOLLAND. I had a letter from Commissioner Tuttle, your State game warden, saying that Reelfoot Lake is one of the first things they want to buy.

Mr. KINCHELOE. I know. That is the only thing in the interior that I know anything about.

Mr. HOLLAND. There are some marshes along the Ohio.

Mr. KINCHELOE. But they are owned by private individuals. That is what I am talking about.

Mr. HOLLAND. A great many of them can be bought.

Mr. KINCHELOE. Then there are the bottom lands along the Ohio River, with millions of acres of corn fields to furnish feed: there is not a better place in the world. But I am speaking about public places.

Mr. HOLLAND. It is not public now, but with this money to buy some of the land it can be made public. That is what this bill will do.

Mr. CLARKE. We are supposed to take a part of the money received as fees, Mr. Kincheloe, and utilize that in purchasing these lands.

Mr. KINCHELOE. Yes; but with the cost of administration of this there would not be money enough to buy many marshes along the Ohio River or anywhere else. The Department of Agriculture here could not get anywhere in enforcing the game law in my State if it had not been that Kentucky had some of the best game wardens. We have a fellow by the name of Ward that I think is the best one in the country. It has been the enthusiastic support of the game wardens and the various country game wardens that has made a success of it in Kentucky. You can pass all the legislation you want to, but if you do not get the hearty cooperation of the various State game wardens, you are not going to get anywhere with any of these bills.

Mr. HOLLAND. If you have any doubt about this bill you ought to talk to Quincy Ward about it, because he is very much in favor of such measures.

Mr. KINCHELOE. Yes; because he is right in behind it to help enforce it. But you take those big States, such as where you say the Attorney General is shooting without a license, and where the State game warden is not only not cooperating with you, but doing everything he can antagonistic to you, you are going to have difficulty protecting that great big preserve, with thousands of ducks coming in there.

Mr. HOLLAND. Coming back to this matter of the food value that you spoke of, you men want to consider that that is simply the interest on the investment that we have in the wild migratory game birds that can be taken each year. It is the crop that is harvested each fall by gunners. Without taking sport into consideration, capitalizing the duck supply at 6 per cent, would run the actual value up to the billions of dollars.

Then take it from the public welfare standpoint. Think of the men who get their recreation in shooting, who take their minds off of their business cares by a day or two in the fields hunting. It is worth more to them than you can possibly estimate. There is no better argument against bolshevism than a public shooting ground where the citizens of ordinary means can go out and get a little healthful exercise.

Mr. KINCHELOE. How much do you think you would derive a year out of this for the purpose of buying these preserves?

Mr. HOLLAND. \$450,000.

Mr. KINCHELOE. Of course, all of it comes from the licenses?

Mr. HOLLAND. Forty-five per cent of the amount received for the licenses is to be used for that purpose.

Mr. KINCHELOE. And you are predicating it on the idea that there will be a million men take out licenses every year?

Mr. HOLLAND. Yes, sir.

Mr. KINCHELOE. And you are figuring it will take 55 per cent of that to administer the law?

Mr. HOLLAND. No. Forty-five per cent of that goes for the protection of these preserves and the enforcement of this law and the migratory bird law; 45 per cent of it goes for the purchase of lands and can not be used for anything else; and only 10 per cent is for the administration of this law.

Mr. JONES. A great many of those dollars will be paid by some men that have a little place of about 50 or 100 acres that has a little pond on it. He has got to pay \$1 to go out there and shoot birds on his own land. Don't you think it would be pretty hard to satisfy him or explain to him why he has to pay that dollar and go to the post office, maybe 2 or 3 or 5 miles away, to get the license?

Mr. HOLLAND. We have never heard any complaint from that man.

Mr. JONES. Well, you have not been charging him a dollar heretofore.

Mr. HOLLAND. No; but there are mighty few ducks shot on the little ponds and the small places.

Mr. JONES. But he has to pay a dollar to go out there and shoot only one time during the year, or to fire one shot into a flock of ducks.

Mr. HOLLAND. He would have to pay a dollar, which would be less than the cost of one box of the ammunition that he shoots.

Mr. CLARKE. But the very fact that he can go out there and shoot a bird is because of the States cooperating here in protecting these migratory birds.

(Here followed informal discussion between Mr. Jacoway and the witness with reference to the disappearance of the wild pigeon, which the reporter was directed not to take.)

Mr. JONES. Well, you would not have saved those birds by charging a license of a dollar a year; they would have been saved by some law like the present law.

Mr. HOLLAND. If we had had this bill, we would have saved the wild pigeons, because we would have saved the breeding grounds. This law absolutely would have saved them.

Mr. JONES. There is no money here to get the feeding grounds until you can collect the money from the individuals.

Mr. HOLLAND. We have done our level best to get an appropriation from Congress.

Mr. JONES. Where would the breeding grounds have been provided?

Mr. HOLLAND. Michigan, Indiana, Pennsylvania—

Mr. JONES. You would have bought breeding grounds and not let them—

Mr. HOLLAND. Not let them shoot them on those breeding grounds.

Mr. JONES. I understand that the bill authorizes you to forbid shooting on the breeding grounds?

Mr. HOLLAND. Absolutely. It requires that protection if these birds are going to be perpetuated.

Mr. SINCLAIR. Is it not a fact that the bulk of the breeding grounds for geese and ducks is outside of the United States?

Mr. HOLLAND. They breed pretty well over the United States.

Mr. SINCLAIR. Most of the duck shooting that we have up there in my country is the northern birds that come over from Canada.

Mr. HOLLAND. Where are you from, sir?

Mr. SINCLAIR. I come from North Dakota.

Mr. HOLLAND. Well, you raise a lot of them right there.

Mr. SINCLAIR. Yes; we raise a lot of ducks. We used to raise geese, but we do not any more.

Mr. HOLLAND. You do not any more, because a goose will not stay as close to man as a duck will.

Mr. SINCLAIR. The geese now have practically been driven away from us.

Mr. HOLLAND. You are right. They have been driven back up into Canada.

Mr. SINCLAIR. This law would not remedy that at all, would it?

Mr. HOLLAND. Well, they will return when breeding grounds are provided where they will not be molested. For instance, geese have appeared on the Niobrara Reservation, in Nebraska.

Mr. KINCHELOE. I did not get awhile ago your idea of why this bill, if it is enacted, would protect the ducks in Minnesota. Something was said about that awhile ago to the effect that it would save the repetition of the killing of so many as they killed in Minnesota last year.

Mr. HOLLAND. No; that killing was absolutely legal. As I said before, that is simply the annual interest. It is perfectly right that they should take that number of birds, but more States should be able to take them than Minnesota. That is what this bill will do for other States.

Mr. KINCHELOE. You mean it would breed more birds in other parts of the country?

Mr. HOLLAND. It would breed more birds in other parts of the country and hold them there.

Mr. CLAGUE. I live in Minnesota. There is hardly a county in Minnesota but what there is a game refuge. Under our law we have 400 or 500 acre refuges especially adapted to wild ducks. There is water there, you understand. We have 10,000 lakes in Minnesota, and there is not a county, with a few exceptions, that does not have a number of small lakes. There are many places in my county where there are 40 or 50 acres of water on a farm.

Take, for instance, Nicollet County, where Congressman Davis comes from. They have a refuge there of 1,000 or 1,500 acres. It is especially adapted to ducks. Under our law the game warden of the State sets aside, at the request of the owners of the land living there, that particular tract of land as a game preserve, and no one is allowed to shoot on that. Is Mr. Avery in the room?

Mr. AVERY (game commissioner of Minnesota). Yes, sir.

Mr. CLAGUE. Mr. Avery can bear me out on that. We have refuges all over our State.

Mr. JONES. Minnesota is handling it pretty well herself?

Mr. CLAGUE. We have a wonderful law in Minnesota, and our people are back of what Mr. Avery is doing there and are enthusiastic along these lines.

Mr. HOLLAND. Aside from the food value of these birds, we have the insectivorous birds that come under your migratory bird act. Your experts tell us that it would be impossible for farmers to raise their crops without these birds. When the Federal Government first passed the law protecting them they were legal game in many of the States of the South. They were shot for food. They are still being shot in some of those States where there is no organization to protect them. People that come here from the south of Europe are shooting them all over the United States for food. This bill would go a great way toward protecting them.

Primarily this is a sportsmen's measure, but it can be indorsed from many other angles. The stopping of unwise drainage is really quite a feature.

Take the State of Iowa. Prof. W. J. McGee, in Bureau of Soils Bulletin 92, speaking of unwise drainage, says that the average water level in our best agricultural States has been lowered 9 feet by the draining of lakes and marshes to produce a little more corn land. In the State of Iowa it has been lowered 20 feet. Now, agriculture is bound to suffer if that continues. As a lake or marsh it is a natural reservoir, holding this water and letting it seep away gradually. If it is cut and recut with drainage ditches we have as a result a spring flood, carrying a lot of the top soil with it. I think the delta country of the Mississippi is a very good example of where some of the rich soil goes to from up in the Mississippi Valley. Then in the fall we have dry rivers, and with a hot fall we have burnt corn. I recently came from Kansas, and I have seen a lot of burnt corn.

The State game warden of Kansas is here, and he will tell you of some of the drainage projects that have been carried on out there where the land is lying absolutely idle. A lake or marsh is an asset to any community. It is very easy to figure the value of the game or the value of the fish or the value of the fur that is taken off of the average lake or marsh. It will ninety-nine times out of a hundred produce more cash value than that same area would if devoted to agricultural purposes, only in the first instance the benefit is distributed to the entire community, whereas after the land is drained one or two individuals get the profit, and naturally they want to see it drained, because it puts money in their pocketbooks.

The CHAIRMAN. Do I understand you to say that drainage of land is detrimental to agriculture?

Mr. HOLLAND. So says Prof. W. J. McGee, in Bureau of Soils Bulletin No. 92, that it is lowering the water level, and that is detrimental to agriculture.

The CHAIRMAN. You agree with him?

Mr. HOLLAND. I do.

The CHAIRMAN. Well, if you had had experience in growing corn I think you would have found that it can not be grown under water. I understand that rice can, but corn can not.

Mr. HOLLAND. Take the draining of the Kankakee, for instance, in Illinois, where the timber has died simply because the underground water level has seeped away;

18 MIGRATORY BIRD REFUGES AND PUBLIC SHOOTING GROUNDS.

they can not grow anything. Parts of it are a desert as compared to what it used to be when the marsh was there.

The CHAIRMAN. Ducks don't pay taxes, you know. They have taxes to pay out in Illinois, and the only way they can pay taxes and interest is to till the land, and land under water can not be cultivated without draining it. If you can devise some way of paying the interest and taxes on these lands without growing something on them I wish you would tell us about it.

Mr. HOLLAND. You understand, we do not oppose wise drainage for an instant, but it is the cases where they drain without thinking what is underneath.

The CHAIRMAN. It is easy to suggest what should be done, but it is different for people who have taxes and interest to pay to carry out that suggestion.

Mr. HOLLAND. If you drain a lake with the idea of producing corn land and find that you have got peat underneath it, or sand, it was far better that that lake stayed there.

Mr. JONES. Both the States and the National Government have spent a lot of money on drainage.

Mr. HOLLAND. And some of it has been very unwisely expended.

Mr. JACOWAY. Your position is not that all drainage is to be absolutely stopped?

Mr. HOLLAND. Oh, absolutely not. But there should be a survey of the conditions that you are going to have after you get this water off. Why should they drain these marshes and leave a peat bog there that they can not ever get on with a plow, and spend a lot of the taxpayers' money and not get anything back?

Mr. KINCHELOE. Is Reelfoot Lake owned by private individuals?

Mr. HOLLAND. No; Tennessee owns the part that lies in Tennessee.

Mr. KINCHELOE. Is that part that lies in Kentucky owned by private individuals?

Mr. HOLLAND. I imagine that it is private property.

Mr. KINCHELOE. What is the area of that lake? Do you know?

Mr. HOLLAND. I am unable to say. Do you know, Mr. Burnham?

Mr. BURNHAM. I would say about 150 square miles.

Mr. KINCHELOE. Is it contemplated to buy that from the State of Tennessee and also from the private owners in Kentucky?

Mr. HOLLAND. I think the part that lies in Tennessee could be arranged for without spending any money, from what I have understood.

Summing up, I want to say that this bill is a sportsmen's bill. They want to pay this dollar. They ask to be allowed to pay this dollar, not for any sentimental reason, not from an aesthetic viewpoint, or anything like that, but simply that it is necessary for their benefit, to continue their sport that they have had. This bill provides for the putting aside of refuges where no birds will be shot. It sets aside public shooting grounds. It will protect both insectivorous and game birds, and it will not cost the general taxpayer one cent.

Mr. JONES. Would it not be a little more just and equitable as between the man that hunts a great deal and the man that does not hunt much, to have the license fee granted somewhat according to the number of birds that were killed?

Mr. HOLLAND. You would have to have a man for every hunter to check him up on it.

Mr. JONES. Well, you are going to have so many men that you ought to be able to check them up. If you are going to put a game warden in every community they ought to be able to keep pretty good track of that. Or, if you could not make it so much per bird, then so much for every day a man hunted. Let him pay so much every day.

Mr. HOLLAND. In order to issue your licenses under such a law as that you would have to have an overhead that would eat up all the profits. This way the licenses can be issued in the form of a stamp pasted on his State license, without any bother to him at all.

Mr. KINCHELOE. You say this bill is to create these Federal game refuges for the sole purpose of the propagation and protection of game, and then you say you are going to have public shooting grounds. How are you going to acquire those public shooting grounds? Are you going to buy them with the proceeds of this bill?

Mr. HOLLAND. With the proceeds of this bill. I know of some right now that will be given to the Government immediately this bill is passed. I know men that will turn their land over without a cent for this purpose.

Mr. KINCHELOE. With the sum of \$450,000 a year it would take a good while to buy all the refuges that would be necessary.

Mr. HOLLAND. Some of the land can be leased, and some of it can be purchased and the adjacent territory leased for shooting purposes.

Mr. JONES. Some men do not hunt very often, but on the other hand some men hunt a great deal. Are you just going to charge \$1 a year where a man hunts for weeks and weeks?

Mr. HOLLAND. I think the license would have to be uniform if the bill is to be constitutional.

Mr. JONES. Of course you would have to charge them all the same, but you could charge them by the week or by the month or have some other basis of charging, so that a man who hunted a great deal and who took a great deal of this meat that you say ought to be conserved would have to pay more than a man who just hunts one day in the year. Under this bill the man who kills one bird has to pay just as much as the man who makes a profession of it.

Mr. VOIGT. Is there not a limitation now in most of the State laws?

Mr. HOLLAND. As to the number of birds a man can shoot in one day, or in one season. There is a season limitation in most of the State laws.

There is another point that perhaps you men have never thought of, and that is the value of these birds to industry. The wholesale and retail grocers, the hotel men, the restaurant men, the automobile men all get their share of the sportsmen's money.

Mr. JONES. Why not provide that no man should kill more than 50 birds in a year?

Mr. HOLLAND. That would be a regulation under your treaty act, which has already been passed.

Mr. JONES. There is no such limitation now?

Mr. HOLLAND. No, not now.

Mr. JONES. Well, would it not be fair both to the man that hunts a great deal and to the man who hunts very infrequently to have some limitation, rather than charge a man \$1 and turn him loose and let him kill promiscuously?

Mr. HOLLAND. But that would not preserve the marsh areas which we have to have for the birds to continue to live.

Mr. JONES. I know, but I am talking about this charge for the right to hunt—that feature of the bill.

Mr. SINCLAIR. Would this license give a man the right to hunt anywhere in the United States?

Mr. JONES. Anywhere in the United States and every day in the year.

Mr. HOLLAND. No; not in the closed seasons.

Mr. SINCLAIR. That would be an advantage to the man who could travel about all the time—sportsmen of means.

Mr. HOLLAND. He has to take out his State license just the same.

Mr. TINCHER. I have been trying to conceive of the man that shoots a few birds, or shoots any, that would object to paying this dollar a year. If you have such a man in mind, Mr. Jones, I wish you would give us his name, post office address, and location.

Mr. JONES. If I had the time to go over it and had as many men as these game wardens seem to have, I could find a lot of them. I am talking about the man who lives in the country, but who does not do very much shooting, and he has to go to the town, to the post office, to get a license to shoot just one.

Mr. TINCHER. I come from a rather arid section where they do not have many marshes, but I do not believe one of us would be able to get a letter from a man that is going to shoot birds at all that will object to paying \$1.

Mr. JONES. You will find out that when a man has to take half a day to go to town to get a license.

Mr. TINCHER. Well, in most places he has to have a license anyway. Of course there are fellows that will go out and shoot a few birds now and then without going to the trouble of getting a State license, and the average man that would do that would shoot a bird without any license after this law passes. But I am just trying to conceive of the man that shoots any birds at all, that will sign his name to a statement objecting to the Federal license of \$1.

Mr. JONES. You are taking an extreme case. The man I am after is the professional huntsman, the man that killed off these wild pigeons, and who goes around and hunts all over the country, and has not much else to do. If you are going to pass a law at all you ought to pass a law that will get after him.

Mr. HOLLAND. He was put out of existence when you stopped the sale of game. The shooting of those pigeons was done by the market hunters.

Mr. JONES. No; the fellow that hunted as a source of revenue was put out of commission largely that way, but the man who hunts and goes out for the sport and throws his birds away, as I have known a great many of them to do, is the man that is dangerous to the wild game of this country.

Mr. HOLLAND. I can give you a little illustration. In the State of Nebraska when this migratory bird law was first passed all the farmers out there opposed it. I say all of them without any reservation. I was working in that State, and no matter where you would go in that sandhill country they cursed this law, because, they said, "it is

taking away our spring shooting from us, and we are going to violate it. We are going to shoot these ducks." I talked with them. I asked them, "Do any ducks ever breed here?" "No, they do not."

The first year after that law was passed you could go out there and talk to that same man, and the first thing he would tell you, "I have a bunch of blue wing teal down on my pond, something that never happened before." When the law had been working two or three years you found canvases back, red head, and Mallard breeding all over the sand hills of Nebraska. Now you do not need any game warden up there in the spring of the year.

Mr. JONES. That is a pretty good law now, isn't it?

Mr. HOLLAND. It is all right, but it won't preserve your marshes. Go out there now and talk to them about the United States taking care of this situation and see if you can find any of them that is not willing to pay \$1 a year.

Mr. JONES. It is not the question of not being willing to pay a dollar, but the trouble and bother of being compelled to comply with all kinds of restrictions—I am talking about the man on his own little farm.

Mr. HOLLAND. He has to take out his State license in almost any State. He goes to the post office frequently, and it certainly would not be any great bother to him to get this Federal license.

Mr. JONES. He has to comply with the Federal law as it is now. Why not enforce the Federal law, and if it is necessary to buy up some marsh lands, buy them up.

Mr. HOLLAND. Where are we going to get the money, unless the sportsman furnishes it? Unless he pays for it? Will Congress appropriate this money?

Mr. JONES. You do not claim that the million that come under your classification are to be termed sportsmen, in the sense of professional hunters?

Mr. HOLLAND. I would not call them professional hunters.

Mr. JONES. When you get that many you get down to the people generally, don't you, anyway?

Mr. HOLLAND. Some of the best sportsmen I ever knew in my life lived on farms. They are just as good sportsmen as anybody.

Mr. JONES. They are just people, then. All good Americans are sportsmen in that sense, so that is getting it down to where you collect it from the people, practically.

Mr. TINCHER. There is not any such thing as professional hunter any more, is there?

Mr. HOLLAND. Not since market shooting went out.

Mr. JONES. But there are men who do a great deal of shooting.

The CHAIRMAN. In the bill it is proposed to set aside 45 per cent of the receipts, which you estimate at \$450,000, for enforcement. Would all of that amount be required to enforce the law?

Mr. HOLLAND. That is the estimate of what the bill would bring in. That would not be required to enforce this law—

The CHAIRMAN (interposing). Do you think that \$450,000 would be required?

Mr. HOLLAND. To enforce the treaty act properly, and also to protect the refuges that will be set aside, to protect them so they will be refuges.

Mr. KINCHELOE. Personally, I have been very much in favor all the time of enforcing these game laws. I think it is the only way to preserve the game; and I think that my State is up to the average at least in the enforcement of it. Under our law we left the little individual landowner hunt on his own premises without paying a license. Now, you gave one good reason for that—because he, in the main, feeds them and raises them. That is true. But you can not enforce the game law or any other law without the public sentiment, and the hearty public sentiment behind it down to the individual citizen.

As I say, that is one reason you gave for it, but the psychological effect it has had in my State is that it has made every owner of land an enthusiastic supporter of the game law. Why? Because he realizes, "Now, the game on my premises is protected, and I have the right to shoot them whenever I want to, in season." He has that privilege without paying a license, as an encouragement and a reward for his cooperation in the enforcement of the law.

Now, in these States where these fellows have had this privilege, who will be many miles away from your reserves and unable to use your public shooting grounds, when these migratory birds come on a man's premises, will he still have the same enthusiasm for the protection of those migratory birds as he has for his quail, which breed on his premises?

Mr. HOLLAND. I believe he will; he will know that they do not breed on his land.

Mr. KINCHELOE. What I am afraid of is that when you put that extra dollar on him and say, "Before you can shoot these birds you are supposed to help protect them"—when you put that extra dollar on him that goes to the Federal Government, when the

State does not charge him anything, I think you are going to cool off a little at least of his enthusiasm for the enforcement of these laws.

Mr. HOLLAND. I believe we can deal with that through publicity. Any man that shoots at all likes to read about shooting. He reads some sportsmen's magazine; he believes it.

Mr. TINCER. Would you accept an amendment to this bill exempting a man that wants to shoot ducks on his own land? Such an amendment would not decrease the revenue under the bill \$10,000; it would not hurt your revenue. No man that shoots a duck on the wing will stop for a fence line.

Mr. HOLLAND. There are mighty few of them.

Mr. TINCER. It would not hurt him at all wherever the State law gives him the right to hunt on his own land.

Mr. HOLLAND. I believe that if such an amendment was put in it should be "on his own land, not maintained for hunting purposes," so that three or four fellows would not get together and buy land for hunting purposes.

Mr. TINCER. Well, those three or four fellows would have to pay a dollar anyway. You can not hurt the revenue.

Mr. HOLLAND. In closing I would like to ask permission to include in the record a letter of the Secretary of Agriculture in connection with this bill and certain excerpts from letters that have been received from the State game commissioners, and resolutions bearing on this bill from State sportsmen's associations.

The CHAIRMAN. How long are they?

Mr. HOLLAND. They are very brief.

The CHAIRMAN. Without objection, it is so ordered.

(The letters and other documents submitted by Mr. Holland are here printed in full, as follows:)

FEBRUARY 16, 1922.

Hon. GILBERT N. HAUGEN,

Chairman Committee on Agriculture, House of Representatives.

DEAR MR. HAUGEN: Following the permission of the Committee on Agriculture to have incorporated in the record excerpts from letters received by the American Game Protective Association from different game commissioners in reference to H. R. 5823 and resolutions from various organizations, I have the honor to transmit the following excerpts from letters received by the American Game Protective Association from State game commissioners:

ALABAMA.

I am in receipt of your favor inclosing me a copy of a bill in reference to Federal hunters' licenses. Of course I am ardently in favor of the passage of this bill in order that the splendid purposes for which the revenue derived from the issuance of Federal hunters' licenses, as contemplated, is to be expended, may be placed into operation at the earliest possible moment. I am bringing every possible pressure to bear upon The United States Senators and Representatives in Congress from Alabama, to the end that they support this measure. (John H. Wallace, jr., commissioner.)

ARKANSAS.

I am very much in favor of this law. I am sure it will meet with the approval of Arkansas sportsmen. I can not understand how a man could be a sportsman and not favor this law. (Lee Miles, game and fish commissioner.)

CALIFORNIA.

Inclosed I hand you a copy of the letter I am sending to our Representatives from California regarding Senate bill No. 1452 and H. R. No. 5823, which you may use in your publicity work, showing that California is heartily in favor of your bill. (F. M. Newbert, president Fish and Game Commission of California.)

COPY OF LETTER SENT BY THE CALIFORNIA FISH AND GAME COMMISSION.

A bill having for its object "providing for shooting grounds for the public, for the establishing of game refuges and breeding grounds for protecting migratory birds and requiring a hunting license to hunt them, etc." (Senate bill No. 1452, May 2, 1921, and House bill No. 5823, May 5, 1921), has our earnest indorsement. May we ask you to assist in the passage of this bill? It assures wild waterfowl shooting for all time; it assures the participation of all our people in the taking of their share of this great asset;

22 MIGRATORY BIRD REFUGES AND PUBLIC SHOOTING GROUNDS.

it makes it possible for them to hunt wild waterfowl on public shooting grounds, thus placing all wild waterfowl hunters on an equality. (F. M. Newbert, president Fish and Game Commission of California.)

CONNECTICUT.

If we are to restock our woods and streams and keep alive that interest in the wild which kills dull care and turns out vigorous, self-respecting, nature-loving American citizens, we must have free shooting grounds. I sincerely believe that a Federal license is the best way of making possible a national movement in this direction. (Frederic C. Walcott, president Connecticut State Board of Fisheries and Game.)

DELAWARE.

I can not recommend too strongly the proposed law. I speak with confidence when I say that I believe all sportsmen and conservationists in Delaware share my sentiments. (Edward G. Bradford, jr., president Board of Game and Fish Commissioners.)

GEORGIA.

I note what you have to say with reference to the bill now before Congress, in which we are all interested. Beg to advise that I have written some of the Georgia delegation in the House of Representatives, also Senator Harris, of this State, and have their assurances that they are with us. If there is anything further you think I can do, kindly command me. In the meantime, I would be glad to have copies of any magazine article on this subject which may come out. (Clyde Matthews, State fish and game commissioner.)

IDAHO.

Having received a copy of the bill introduced in the Senate and the House of Representatives advocating the creation of Federal public shooting grounds and bird refuges. I wish to add my indorsement to such a bill and to say that I am heartily in favor of such legislation as a matter of equity and justice to all lovers of the rod and gun, in the creation of public shooting grounds and as a matter of conservation of wild life in the creation of refuges. (Otto M. Jones, State game warden.)

ILLINOIS.

I have your letter of several days ago and with it the bill which provides for shooting grounds for the public, etc., and I have had the matter up with different members of the fish and game committee of the Illinois Legislature. They all appear to be quite interested and approve of your efforts. I certainly hope you are successful and that in the future the youth of our land will have a better opportunity at the great outdoors than at the present time appears possible. (Ralph F. Bradford, chief game and fish warden.)

INDIANA.

We had already received a copy of the bill and have written Senator New regarding the same. As far as this department is concerned, we are greatly in favor of the measure, not alone because it will provide sufficient revenue for placing Federal wardens in the various States, but also because some of the revenue derived will be used for purchasing feeding and resting grounds for migratory waterfowl, and for the purchase of game refuges and shooting grounds. (George N. Mannfeld, superintendent fisheries and game.)

IOWA.

In receipt of your letter of the 23d, with copy of bill providing for shooting grounds for the public. Fully concur in what you say in reference to the bill and it has my most hearty support. (W. E. Albert, State fish and game warden.)

KANSAS.

Excuse me for not answering yours regarding the Federal license bill. I know you knew my views on the matter and thought your letter in the nature of a circular letter to feel out some fellows. I'm for this bill, first, last and all the time. (Alva Clapp, State fish and game warden.)

KENTUCKY.

Let me say that it is just exactly the thing we have been looking for down this way, and I hope we can immediately acquire Reelfoot Lake and the wonderful territory adjacent thereto. While the most of Reelfoot Lake is in Tennessee, we feel that we are very much interested in it, as the upper end of it is in Kentucky, and it is a favorite duck-hunting resort for Kentucky sportsmen. Under the conditions now existing, it is more or less controlled by clubs, and the ordinary run of duck hunters can not afford to make the trip for what shooting they get outside of the preserves. The territory for miles around the lake is also splendidly adapted to waterfowl, and if taken over before reclamation projects now on hand are carried out, will make an ideal hunting ground for all time. I will immediately take up the matter with our Congressmen and Senators, and urge that they support the bill. (R. S. Tuttle, executive agent Kentucky Game and Fish Commission.)

MARYLAND.

Of course you undoubtedly know I am heartily in favor of this measure, and will do all within my power to have same passed, and to this end I am inclosing herein a copy of letter which will go forward to our Senators and Representatives, which I trust will meet with your approval. (E. Lee Le Compte, State game warden.)

MASSACHUSETTS.

The passage of the Federal migratory bird law, insuring the migratory species against destruction during the breeding time (the beneficial results of which are already too apparent to need discussion), undoubtedly represented the greatest nation-wide measure ever enacted in the interest of wild life. The bill now before Congress promises, it seems to me, benefits of fully equal value, and is the logical sequel, providing, as it does, for the further welfare of the birds once they are within our borders, by preserving for their use, where they may be safe from the encroachments of industry, the type of lands suitable for their needs. While at the same time, by the proper regulation of shooting on these reservations, the sport will be preserved for future generations. (William C. Adams, director division of fisheries and game.)

MINNESOTA.

I believe I wrote you some days ago in regard to the public shooting ground and game refuge bill, but if you have not received my letter I want you to be assured that I am in favor of the bill and will do whatever I can for it. If you can suggest what you would like to have me do I will follow your suggestions. I will write Minnesota Representatives in Congress requesting their support at any rate. (Carlos Avery, commissioner.)

MONTANA.

I desire to say that I am very much in favor of this measure and shall be obliged to you if you will use this letter in any way you may see fit to further this bill's passage. (C. A. Jakways, State game warden.)

NEVADA.

The Nevada Fish and Game Commission will give all the assistance at our command. (J. E. Johnson, secretary Nevada Fish and Game Commission.)

NEW HAMPSHIRE.

Without studying the bill for creating public shooting grounds to any great extent and without considering the particular form of bill which may be settled upon, I can say that I am very much in favor of some such act. I believe it must and will come sooner or later, and all we can do to hasten it should be done. (Mott Bartlett, commissioner.)

NEW JERSEY.

To my mind this bill, if passed, will do away with a great deal of friction which occurs now between the men who are members of shooting clubs and the general public. I know it is your idea that we should take care of the man who has not the means to join a club. (William B. Boulton, commissioner.)

24 MIGRATORY BIRD REFUGES AND PUBLIC SHOOTING GROUNDS.

NEW YORK.

This bill has the earnest indorsement of this commission, as it provides for needed Federal legislation and also funds to enforce the migratory bird law. It likewise provides for breeding, feeding, and resting places for our wild waterfowl, and there would seem to be great necessity for such places if we are to perpetuate the waterfowl, as their natural habitat is rapidly being destroyed by the reclaiming of lands by drainage. (E. J. Staley, commissioner.)

NORTH CAROLINA.

I beg to express my cordial indorsement of the bill and sincerely hope that it will be promptly enacted into law by Congress, that our migratory birds, which constitute an asset of such value to our country, may be more effectively protected. (Richard H. Lewis, president Audubon Society of North Carolina, charged with the enforcement of game laws.)

NORTH DAKOTA.

I think the bill for game refuges is all right. (George M. Hogue, secretary game and fish board.)

OHIO.

Please be advised that this department indorses this bill and that it has our hearty support. (A. C. Baxter, chief division of fish and game.)

PENNSYLVANIA.

Am doing all I can to push along the public shooting-ground game-refuge bill. The only trouble is that we can not find any opposition. (John M. Phillips, board of game commissioners.)

RHODE ISLAND.

The bill meets with my hearty approval, and you may quote me to that effect. (Everett L. Walling, chairman commissioners of birds.)

UTAH.

I have your letter of June 17 inclosing copy of the "public shooting-ground and game-refuge bill" and assure you herewith of my hearty indorsement of the measure. I am to-day writing our congressional representatives asking that they use their influence in trying to secure an early passage of this bill. I am also discussing in detail with our fish and game protective associations this bill and will urge that they use their influence in the same direction. (D. H. Madsen, State fish and game commissioner.)

VERMONT.

As a sportsman and conservationist I have long seen the need of Federal protective legislation, such as is embodied in Senate bill No. 1452, and I am heartily in favor of such an act. (H. P. Sheldon, commissioner.)

VIRGINIA.

The following resolution was unanimously adopted by the convention:

"Be it resolved by the Virginia State game wardens in convention assembled, that they heartily sanction the passage of the New-Anthony bill providing for a Federal hunting-license tax to hunt migratory birds." (M. D. Hart, secretary department of game and inland fisheries.)

WASHINGTON.

In reply to your letter of May 23, inclosing S. 1452, H. R. 5823, for our consideration, beg to advise that there is no doubt whatever in my mind as to the merits of this bill. (J. W. Kinney, State supervisor game and game fish.)

WEST VIRGINIA.

The bill establishing shooting grounds, establishing game refuges, requiring a Federal license, etc., meets with my hearty approval; and if there is anything that I can do to secure its passage, please advise me. (Clare W. Harding, warden.)

WISCONSIN.

I fully agree with all of its provisions and anything that I am able to do to further its passage I shall take pleasure in doing. It is a very important bill and as time goes on tremendous benefits will develop from its provisions. (W. E. Barber, commissioner.)

LETTERS FROM SPORTSMEN'S ASSOCIATIONS AND RESOLUTIONS.

MARYLAND STATE GAME AND FISH PROTECTIVE ASSOCIATION, BALTIMORE, MD.

Resolution adopted at the annual meeting of the Maryland State Game and Fish Protective Association, held October, 1920.

Whereas the Federal migratory bird treaty has been in force now for some time with inadequate funds and has accomplished a great deal, we feel that it is necessary to secure a larger amount of money to more uniformly enforce same: Now therefore be it

Resolved, That we heartily indorse the principles of a United States Federal hunting license, costing \$1, to be secured by every person hunting migratory game birds. The funds secured thereby to be used one half to the enforcement of the migratory bird treaty act and the other half to be used for the purpose of purchasing game refuges and public shooting grounds throughout the United States: And be it

Further resolved, That a copy of this resolution be sent to each Member of Congress, representing Maryland, and a copy to the American Game Protective Association, New York City.

L. M. LEVERING, *President*.

WM. H. FISHER, *Secretary*.

TALBOTT DENMEAD, *Attorney*.

RESOLUTION ADOPTED BY THE MINNESOTA GAME PROTECTIVE LEAGUE IN CONVENTION ASSEMBLED AT GULL LAKE ON JULY 15, 1921.

Whereas millions of acres of swamp, marsh, and water areas, formerly used by wild fowl as breeding, feeding, and resting places have been drained on the theory that these areas were more valuable for agricultural purposes; and other operations now in contemplation involve the drainage of millions of acres of similar areas, and

Whereas many of such areas, having been drained and destroyed as wild-fowl resorts, have proved to be utterly worthless for agricultural purposes, and

Whereas our efforts to conserve the supply of wild fowl will be futile unless large areas of swamp, marsh, and water areas be set aside and perpetuated as homes for the birds without which the hunting privileges long enjoyed by sportsmen will be vitally affected if not wholly destroyed: Now therefore be it

Resolved, That the Minnesota Game Protective League in annual convention assembled hereby urges the passage by the Congress of the United States of the bills S. 1452 and H. R. 5823 to establish shooting grounds for the public, refuges for migratory birds, and requiring a Federal license to hunt them; and this league pledges its active and financial support to the American Game Protective Association to secure the passage of such legislation.

Resolved further, That copies of this resolution be sent to the Minnesota delegation in Congress, to Senator New, of Indiana; Congressman Anthony, of Kansas; and the American Game Protective Association.

DELTA DUCK CLUB.

Resolved, That the board of directors of the Delta Duck Club is heartily in favor of the institution of a Federal migratory game license, 50 per cent of the proceeds of which are to be used for the purchase of permanent refuges, breeding grounds, and public shooting grounds.

New Orleans, La., March 6, 1921.

EL PASO GAME PROTECTIVE ASSOCIATION, EL PASO, TEX.

At a meeting of the El Paso Game Protective Association, with a membership of 400, held on the 4th, I was instructed to notify you that we favor a Federal license of \$1 for the privilege of hunting migratory birds, under the Federal migratory bird act, 50 per cent of which to be used to pay the salaries of game wardens and 50 per cent to establish game refuges; also, that we approve the creation of a fish and game department with a cabinet officer, and that a copy of this letter be sent to our Congress-

26 MIGRATORY BIRD REFUGES AND PUBLIC SHOOTING GROUNDS.

man, Hon. Claude B. Hudspeth. Same is being done. Command us if we can serve you further.

P. C. THEDE, *Secretary.*

WISCONSIN GAME PROTECTIVE ASSOCIATION, APPLETON, WIS.

Whereas there is pending in Congress Senate bill No. 1452 and House of Representatives bill No. 5823 providing that there should be established public shooting grounds, game refuges, and breeding grounds for protecting migratory birds: Now therefore be it

Resolved by the Wisconsin Game Protective Association in annual convention assembled December 13, 1921, in the city of Madison, Wis., That we urge Congress to pass this bill at the earliest possible moment; and be it further

Resolved, That every honorable means at the disposal of this association be used to further the passage of this bill by both the House of Representatives and the Senate; and be it further

Resolved, That a copy of this resolution be spread upon our minutes, a copy sent to each Member of the House of Representatives and of the Senate from Wisconsin, a copy to the secretary of the American Game Protective Association, and to such other individuals or committees as in the judgment of the officers or the board of directors may seem wise.

THE LUCAS COUNTY FISH AND GAME PROTECTIVE ASSOCIATION.

TOLEDO, OHIO, *October 19, 1921.*

At a recent meeting of the above association it was unanimously voted that we go on record as heartily approving bill S. 1452, which was introduced in the Senate of the United States May 2, 1921, and approving bill H. R. 5823, which was introduced in the House of Representatives May 5, 1921.

FRED MYERS, *President.*

M. A. SCOTT, *Acting Secretary.*

INTERNATIONAL ASSOCIATION OF GAME, FISH, AND CONSERVATION COMMISSIONERS.

SEPTEMBER 9, 1921.

Resolved, That we most heartily indorse and commend for early passage the bill pending in Congress known as the public shooting ground, game refuge bill, the passage of which measure is vitally important to the conservation of migratory water-fowl and necessary in order to furnish the masses of the people an adequate shooting area, to the end that they may have an opportunity of taking their share of migratory birds.

Resolved further, That a copy of this resolution be sent to the chairman of the Senate and House committees before which the bill is pending, and also to the Secretary of Agriculture and the Secretary of the Interior.

THE DEPARTMENT OF CONSERVATION, STATE OF INDIANA, DIVISION OF FISH AND GAME, INDIANAPOLIS.

FEBRUARY 11, 1922.

It will be impossible for Mr. Mannfeld to attend the hearing before the House committee at Washington, D. C., on the 16th and 17th in reference to the public shooting ground bill.

Will say, however, that this department favors this bill, as do also the sportsmen of this State, and the same has been approved by the law and legislative committee of the Indiana Fish, Game, and Forest League. We surely hope that the bill will be passed.

I might add that Mr. Mannfeld does not favor the amendment to this bill proposed by parties from the State of Missouri, with which amendment you are, of course, familiar.

WALTER SHIRTS,
Acting Superintendent Fisheries and Game.

SOUTH DAKOTA GAME AND FISH PROTECTIVE ASSOCIATION.

VERMILION, S. DAK., *February 11, 1922.*

At our annual meeting in Huron we voted unanimously to support the game refuge bill as introduced, without amendment and have so notified our Representatives in Congress.

W. C. TOEPELMAN,
Secretary-Treasury.

MIGRATORY BIRD REFUGES AND PUBLIC SHOOTING GROUNDS. 27

NEW MEXICO GAME PROTECTIVE ASSOCIATION.

ALBUQUERQUE, N. MEX., *August 27, 1921.*

The New Mexico Game Protective Association recently called for a vote on this bill, and the following local groups of sportsmen voted unanimously for it: Albuquerque, Santa Fe, Taos, Carrizozo, El Paso, Roswell, Gallup, Magdalena, Silver City. None voted against it.

ALDO LEOPOLD, *Secretary.*

CONNECTICUT ASSOCIATION OF FISH AND GAME CLUBS.

BRIDGEPORT, CONN., *January 14, 1922.*

At a meeting of the Connecticut Association of Fish and Game Clubs held at Meriden January 13, which association represents most of the fish and game clubs in Connecticut. I was instructed to inform you that the Connecticut Association of Fish and Game Clubs went on record as favoring the proposed Federal hunting license for migratory birds.

A. J. WILLIAMSON, *Secretary.*

THURSTON COUNTY SPORTSMEN'S ASSOCIATION.

OLYMPIA, WASH., *February 2, 1922.*

The Thurston County Sportsmen's Association desires to notify you that they have gone on record in favor of the game refuge bill now before Congress, and I have been instructed to notify you, also our Congressmen, and the Biological Survey at Washington, D. C.

E. A. McCLARTY, *Secretary.*

JEFFERSON FISHERMEN AND HUNTERS' ASSOCIATION.

BIRMINGHAM, ALA., *October 13, 1921.*

At a meeting the other night, with 300 members present, we unanimously passed a resolution indorsing the game refuge bill, now pending in Washington, and so advised our Representatives in Washington, requesting that they work for its passage.

W. G. OLIVER, *President.*

WASHINGTON STATE ASSOCIATION COUNTY GAME COMMISSIONERS AND GAME WARDENS.

FEBRUARY 10, 1922.

I wish to state that the Game Commissioners and Game Wardens' Association of the State of Washington at their annual meeting in Wenatchee, January 23-24, voted in favor of the public shooting-ground bill, which will come up before Congress.

We in the State of Washington are well aware of the disappearance of the resting place of migratory birds. Swamps are fast disappearing by draining and made into truck farms.

We hope that this resolution will help pass the bill.

A. J. BEACH, *Secretary-Treasurer.*

MASSACHUSETTS STATE GRANGE.

NEW SALEM, MASS., *February 11, 1922.*

At a meeting of the committee on birds in Boston, February 1, we voted to favor the bills to establish game refuges and shooting grounds—S. 1452 and H. R. 5823.

I am writing our Massachusetts Senators and Representatives in Congress to-day.

E. O. MARSHALL, *Secretary.*

MARYLAND STATE GAME AND FISH PROTECTIVE ASSOCIATION.

FEBRUARY 14, 1922.

Chairman House Committee on Agriculture, Washington, D. C.

DEAR SIR: We regret that it is impossible to have a member of the Maryland State Game and Fish Protective Association attend your hearing on Mr. Anthony's bill (H. R. 5823) Thursday and Friday, February 16 and 17.

28 MIGRATORY BIRD REFUGES AND PUBLIC SHOOTING GROUNDS.

On behalf of our association, with its State-wide membership, I am writing to say we enthusiastically indorse this bill and earnestly urge its passage.

Yours, very truly,

GEO. E. HARDY, *President.*
WM. H. FISHER, *Secretary.*

LETTER FROM THE SECRETARY OF AGRICULTURE EXPRESSING THE DEPARTMENT'S
VIEWS ON BILL H. R. 5823 (S. 1452).

DEPARTMENT OF AGRICULTURE,
Washington, June 21, 1921.

HON. G. N. HAUGEN,
Chairman Committee on Agriculture, House of Representatives.

DEAR MR. HAUGEN: I am in receipt of your letter of May 31, inviting my attention to a bill (H. R. 5823) "Providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them," and requesting an expression of opinion concerning it.

According to the terms of this bill, it proposes to accomplish two main objects:

First. The purchase and rental and maintenance of marsh and water areas especially suitable for migratory wild fowl, which shall be used as free public shooting grounds in the open hunting season and safeguarded as breeding and resting places for these birds in the close season.

Second. The administration of the migratory bird treaty act in order to more adequately maintain and increase the supply of migratory birds, including not only the ducks, geese, and others classed as game, but the great host of smaller species, which are so vitally essential to the agricultural interests of the country through their unceasing war on injurious insects.

The bill provides the means for carrying out its purposes through a fund to be created from the proceeds of a Federal hunting license fee of \$1 a year, to be paid by each person who hunts migratory game birds. It is not possible to ascertain definitely the number of hunters who would take out Federal licenses for this purpose, but it would probably be between one and two millions. The money to be used for increasing the supply of migratory game birds and perpetuating wild fowl hunting in the United States would be contributed by the hunters of migratory game birds, the people most directly benefited thereby, thus relieving the Government from appropriating a considerable sum each year, amounting for the fiscal year 1922 to more than \$154,900 for the administration of the migratory bird treaty act, the Lacey Act, and the Federal bird reservations.

The provisions in this bill whereby the licenses are to be made available to the public through the post offices throughout the country utilize governmental machinery already established, thus avoiding the excessive cost of setting up a new service. This not only provides economy and effectiveness of administration, but should be a highly appreciated convenience to the public.

The bill also confers the police powers necessary to its enforcement, and the penalty clauses are carefully drawn. It is important that these features of the bill be retained. The birds must be protected on the refuges and the public shooting grounds effectively administered if the desired results are to be obtained. The provisions of the bill along this line are quite similar to those found in the migratory bird treaty act and are well adapted for the vigorous enforcement of a statute of this character.

The clauses in the bill providing for investigations and publication of information relative to birds will meet a necessary requirement for intelligent conservation and increase of migratory birds.

The present appropriation for the administration of the migratory bird treaty act provides for less than 30 full-time wardens to enforce the law throughout the 48 States and Alaska, an obviously inadequate force to cover such a vast territory. In 1920 the State of New York alone had a force of 145 game wardens, Pennsylvania 110, Michigan 97, and California 78 to enforce their game laws, as against 28 Federal wardens in the entire United States to enforce the migratory bird treaty act. The fund resulting from the establishment of a Federal hunting license, as provided in this bill, would end this embarrassment and enable the department to meet the insistent and growing demand for adequate warden service.

Reports received by the department from all parts of the country agree that the alarming decrease of migratory wild fowl which preceded the negotiation of the migratory bird treaty and the passage of the act by Congress for the protection of migra-

tory birds has changed to a marked increase. These reports show a cumulative increase not only in such migratory wild fowl as ducks, geese, and other game birds, but also of many insect-eating birds. Good evidence of the increase of migratory wild fowl under the migratory bird treaty act is contained in the report of the State game warden of Minnesota that during the hunting season of 1919 about 1,800,000 wild ducks were killed in that State. The meat value of these birds undoubtedly exceeded \$2,000,000. This indicates the economic advantage to the country at large to be derived in food value alone from the enactment of this bill. It is evident that the carrying out of the proposed conservation program under the Federal hunting license law would increase the total value of migratory wild fowl taken by hunters each year in the United States by millions of dollars, in addition to insuring the perpetuation of this valuable natural resource.

It is generally acknowledged that even with the inadequate sums available for enforcing the migratory bird treaty act the successful outcome of this great conservation measure has become apparent more promptly than was anticipated by its friends. Thus the passage of the migratory bird treaty act constituted the first important step toward insuring the perpetuation of our wild fowl and our wild fowl hunting. Another step of almost equally vital importance, if we are to hold what we have gained, remains to be taken. This is provided for in the present bill and consists of the conservation and perpetuation of a sufficient number of small inland lakes, as well as inland and coastal swamp and marsh areas, to provide our migratory wild fowl necessary feeding, resting, and breeding places within the United States.

The bill provides for the use of not less than 45 per cent of the funds obtained from Federal hunting licenses for the purchase or rental and maintenance of suitable breeding places and feeding grounds for wild fowl to be used as public shooting grounds in the open season. It is absolutely necessary that not only during the breeding season, but during their migrations, and in winter wild fowl have necessary places in which to live. There is no question that vast areas of swamp land in Alaska and northern Canada will in the indefinite future supply abundant breeding places for innumerable wild fowl. The maintenance of suitable homes for these birds while in the United States, owing to activity in draining operations is becoming more and more precarious and their entire future is seriously threatened.

This part of the bill, although primarily intended to increase the number of wild fowl and to perpetuate wild-fowl hunting, really involves a number of other important factors of definite advantage to the public. The mistaken idea is prevalent that the drainage of practically all water or marsh areas is a public benefit. Experience has shown in numerous instances that drainage has resulted in destroying a water area with its varied uses and left in its place land of little or no value. A careful survey by qualified experts should be made in which the community values of the water areas should be considered before individual drainage projects are undertaken. Under proper conditions many lakes, ponds, swamps, and marsh areas will yield a distinctly larger return than would the same area drained for agricultural purposes. The development and utilization of all available products of such areas might be termed "water farming."

In addition to the returns from water areas in wild fowl, they may also yield the following products:

1. A valuable supply of food and game fish.
2. An annual return of furs from such fur bearers as the muskrats, skunks, and raccoons frequenting them.
3. The production in certain areas of grasses valuable for forage and for the manufacture of grass rugs, which has become a profitable industry; also, in suitable areas, the production of willow suitable for basketry and other purposes.
4. A natural ice supply.
5. A definite help in maintaining the underground water level which is frequently essential for the production of forest growth and other vegetation.
6. An invaluable help in holding back the run-off of flood waters, assisting in preventing excessive erosion, and other flood damage. There is little doubt that if shallow lakes and swamp areas along drainage ways are systematically drained, the danger of terrific floods and the enormous destruction of lives and property will be seriously increased. This effect of extensive drainage work deserves careful attention in view of its definite relation to the public welfare.
7. Many of the more attractive of such water areas lend themselves admirably for educational uses and to assist in interesting the people of the State in out-of-door recreation and in the natural resources of plant and animal life which are so important in supplying useful commodities.

There is, however, little question that the greatest benefit of all from the establishment of public hunting grounds through the enactment of the present law would be its contribution to the public welfare.

At the present time it is estimated that more than 6,000,000 people in the United States engage in hunting of one kind or another each year. The rapidly increasing drainage of marsh areas threatens the continuance of one of the most popular kinds of hunting which will be perpetuated under the terms of the present bill. With the growing congestion of population and the unrest which such massing produces, the maintenance and development of opportunities for out-of-door recreation, such as is here contemplated, places this bill in the front rank among legislative measures bearing on the public welfare. Throughout the United States a very large proportion of the men who spend a certain period each year in hunting are undoubtedly among our most desirable citizens. Through their out-of-door recreations they develop their resourcefulness and maintain a physical and mental health which is of the utmost value in relation to their civic usefulness.

Under present conditions many of the most favorable marsh areas for wild-fowl shooting have been purchased and are being held by wealthy sportsmen as hunting clubs, thus curtailing opportunities for wild-fowl hunting by the general public. The growing absorption of such areas by hunting clubs has created much bitter criticism on the part of those who, through lack of means, are unable to enjoy such privileges. The enactment of the present bill and the establishment of public shooting grounds under its provisions would give the general public equally good shooting privileges with those had by the clubs, but without individual additional cost, and should completely obviate any cause for the antagonistic feeling on the part of the public now existing.

The purchase, or rental, and maintenance of public shooting grounds, as provided for in the present bill, would maintain for the benefit of residents in both country and town large opportunities for continued wild-fowl shooting that will be impossible in any other way. It might, in fact, be stated that it would provide Federal shooting clubs for the benefit of the general public at the nominal cost of a Federal hunting license of \$1 a year.

The bill is well drawn and offers a solution of the problem of raising adequate funds for migratory bird protection, and for the acquisition of public shooting grounds without the necessity of regular annual appropriations. Incidentally, if enacted, it will accomplish many other desirable objects, and, as a simple, practical conservation measure of great value, it has the approval of this department.

Very truly, yours,

HENRY C. WALLACE, *Secretary.*

The CHAIRMAN. How much time is required, and how will it be divided?

Mr. BURNHAM. You mean for concluding the hearing, Mr. Chairman?

The CHAIRMAN. Yes. How much time is required by the proponents of the bill?

Mr. BURNHAM. Our next speaker will take about 10 minutes, Mr. Chairman. Then of course, we shall be ready for your decision whenever you want to close. We have witnesses here from about 30 States in support of this bill.

The CHAIRMAN. We have to-day and to-morrow. How much time do you propose to give to the opponents of the bill?

Mr. KINCHELOE. Are there some gentlemen here opposed to this bill?

The CHAIRMAN. Is there anyone present who is opposed to this bill that desires to be heard?

Representative HAYDEN. Mr. Chairman, I would like to have an opportunity to place some matters in the record in opposition to the bill.

STATEMENT OF HON. CARL HAYDEN, A REPRESENTATIVE IN THE CONGRESS FROM THE STATE OF ARIZONA.

Mr. HAYDEN. Mr. Chairman, and gentlemen of the committee, realizing that in this as in all other cases there are bound to be two sides, I thought it proper to appear before you and present some statements that have been made in opposition to the bill now under consideration. I am glad to have this opportunity to do so at this time in order that these arguments may be answered if they can be answered by those present at this hearing. Personally, I have not had an opportunity to make a very careful and close study of the terms of this bill, and therefore would hesitate to discuss it with you upon its merits.

I recently received from the State game warden of the State of Arizona a letter in opposition to this bill, which I would like to offer for the record at this time and with which he transmits a resolution adopted by the Western Association of State Game Wardens at a meeting held in Salt Lake City, Utah, on January 17, 1922.

I shall read the resolution which refers to a Senate bill of which the bill pending before you is an exact duplicate.

(The resolutions referred to were read in full by Mr. Hayden, and are here printed, as follows:)

RESOLUTION ADOPTED BY THE WESTERN ASSOCIATION OF STATE GAME COMMISSIONERS,
JANUARY 17, 1922.

The several commissioners and game wardens of the game and fish departments of the States of Arizona, Colorado, Montana, New Mexico, Oregon, Utah, and Wyoming, in conference assembled at Salt Lake City, Utah, this 17th day of January, 1922, having carefully considered United States Senate bill No. 1452, entitled "The Federal public shooting ground and game refuge act," do unanimously adopt the following resolution:

Whereas we appreciate the need for the establishment of public shooting grounds and game refuges in various parts of the United States for the benefit of the public at large, and for the protection of migratory birds; and

Whereas we, through our several game and fish departments in the States which we represent, have given our full support and cooperation to the efforts of the Federal Government to successfully administer the present Federal migratory bird laws and regulations; and

Whereas we approve of the purpose and aims of the Federal Government as evidenced by the present migratory bird law and are in favor of such additional legislation as may further such purpose; and

Whereas, on the other hand, we are not unmindful of the inherent sovereignty of the several States as recognized in the decision of the Supreme Court of the United States in its determination that the game and fish within the confines of each State are the property of such State and therefore under the jurisdiction and control of State authority; and

Whereas we disapprove of the centralization of control in the Federal Government of the game, birds, animals, and fishes which find their range within the confines of any State; and

Whereas the purport of said Senate bill No. 1452 is not, in our opinion, as indicated in its title, but, on the contrary, is designed to and will result in an unwarranted encroachment by the Federal Government upon the rights of the various States in the protection of their fish and game, and in the administration of their fish and game laws: Now, therefore be it

Resolved, That we protest against the enactment into law of United States Senate bill No. 1452 for the reasons as set forth in the foregoing preambles and more specifically because:

1. Said Senate bill, although in its title "Providing for establishing shooting grounds for the public; for establishing game refuges and breeding grounds; for protecting migratory birds and requiring a Federal license to hunt them," nevertheless, in the body thereof, purports to give authority in no wise indicated in the title, and delegates power to the Department of Agriculture and a committee consisting of the Secretary of Agriculture, the Attorney General, the Postmaster General, two Members of the Senate, and two Members of the House of Representatives, giving said commission complete legislative powers to make rules and regulations which will have the force of laws governing and controlling, not only the migratory birds and game animals but also the fishes that may be found in their natural state or introduced into any of the lands or waters upon any game preserve secured under said act, either by gift, lease, or purchase.

2. We do not approve of creating a Federal organization of game wardens which in the enforcement of said act will largely duplicate the work of the State organizations for the protection of fish and game, thereby increasing the operating expenses necessary to the enforcement of the law and tending to create conflicting authority between State and Federal game wardens and to disrupt the harmony and unity of purpose now existing between the State and Federal departments.

3. We object to the Federal Government assessing a license fee against citizens of a State for the privilege of hunting and fishing within the confines of his own State.

And

Whereas we believe that the enforcement of the migratory bird law is of sufficient importance to justify a direct appropriation from Congress for that purpose: Be it further

Resolved, That we favor a direct appropriation from Congress for the purpose of enforcing the migratory bird treaty act, and the establishment of public shooting grounds and game refuges under the direction of the Biological Survey.

It has been determined to express the foregoing ideas in resolution form for the purpose of conveying to the Congress of the United States a concrete expression by the fish and game officials of the above-named States who are primarily interested in legislation, be it State or Federal, which will be most suitably designed to accomplish the protection and increase of the fish and game of the country and to avoid

submerging a laudable common purpose in disputes and conflicts (intensified possibly by a sense of unjust assumption of Federal control) between officials and employees of departments of Government with overlapping coordinate authority.

D. H. MADSEN, *President.*

J. W. TINGEY, *Secretary.*

MR. KINCHELOE. What is that association? Is it composed of game wardens?

MR. HAYDEN. The association is composed of the game commissioners of the seven States mentioned. Some time ago I noticed that the bill S. 1452 had been favorably reported to the Senate and that a similar measure had been introduced in the House. I sent a copy of the Senate bill to the State game warden of Arizona, asking him for an expression of his opinion, and that is probably the reason why the resolution that I have read was sent to me.

In the letter with which the State game warden transmitted this resolution he states that the State of California was not represented, but that upon his return from the meeting in Salt Lake he visited California and there found opposition to this legislation.

MR. PROCHASKA says: "Please be advised that I was agreeably surprised when I learned from Mr. Hederly and his chief deputy that southern California had already sent in a protest to Senate bill No. 1452 and that a majority of the commissioners had expressed themselves in opposition to the bill."

That statement would indicate that although the State of California was not represented at the Salt Lake meeting yet there is opposition to this bill in that State.

MR. KINCHELOE. Let me ask you this. Do you know whether your State and the other six States have been and are now cooperating under the present law with the Federal Government?

MR. HAYDEN. I have heard no complaint either from the Biological Survey in Washington or from the authorities at home of any conflict existing at the present time, save and except this, that there is disagreement within the State as to the seasons within which shooting shall be permitted. Southern Arizona, with a low altitude and a climate different from northern Arizona where there are high mountains, so that the seasons are not the same throughout the entire State.

MR. JACOWAY. From that letter there, they assume, as I understand it, that the title of this bill is misleading; that while it says it is for the purpose of establishing breeding grounds for the protection of migratory birds, ultimately under the provisions of this bill there will be domestic or nonmigratory birds thrown into these preserves, and that is their reason for their objection to the bill.

MR. HAYDEN. And also apparently for the reason that fish are included.

MR. JACOWAY. In your judgment, if it could be shown that there would be no undue assumption of authority by the Federal agents in the States, do you think their objection would be withdrawn—judging from the letter you have just read and from the contents of both the resolutions and the letters?

MR. HAYDEN. Apparently the western game commissioners fear that the powers granted to the Federal game wardens under the terms of this bill will be such that there will inevitably arise a conflict of authority. That is one reason for their opposition to this bill.

MR. JACOWAY. They do not assume that in so far as migratory birds are concerned the Federal Government does not have power to control that?

MR. HAYDEN. Evidently not. They say that they heartily approve of the migratory bird act and that they favor a direct appropriation by Congress for its enforcement, rather than the sale of licenses as proposed in this bill.

In conclusion, Mr. Chairman, let me repeat the statement that I made in the beginning, that I have been so much occupied with other public business that I have not had an opportunity to carefully study the terms of this bill, and that my primary object in presenting this matter to you this morning was that the other side of the case might be properly before the committee. If any legislation of this character is to be enacted it should be passed in such form that such conflicts as are here indicated may be avoided if possible.

(The letters submitted by Mr. Hayden are here printed in full, as follows:)

STATE OF ARIZONA, FISH AND GAME DEPARTMENT,
Phoenix, Ariz., January 27, 1922.

HON. CARL HAYDEN,
House of Representatives, Washington, D. C.

MY DEAR CARL: This is to confirm my telegram of January 21, which was as follows: "Fish and game commissioners of Oregon, Montana, Wyoming, Utah, New Mexico, and Arizona, at a conference in Salt Lake City January 16 and 17, from which I have

just returned, resolved to protest against the passage of Senate bill 1542 and House bill 5823. Letter and resolution follows."

Herewith you will please find a copy of a resolution adopted by the Western Association of State Fish and Game Commissioners, which is self-explanatory. Although California, Idaho, and Washington were not represented at the conference, I have no doubt but that they will all concur in the action of the conference.

I was delegated to see Mr. Connell and Mr. Hederly, the game commissioners of southern California, upon my return trip and report my visit to President Madsen. Herewith also you will please find copy of this report.

Now, Carl, each and every commissioner and game warden present at the conference was very emphatic and expressed their opinions very freely and openly in opposition to the bill.

I most sincerely hope that you will use your every effort to kill the bill.

Yours, very truly,

JOE V. PROCHASKA, *State Game Warden.*

Hon. D. H. MADSON,

*President Western Association of State Fish and Game Commissioners,
Salt Lake City, Utah.*

MY DEAR DAVE: I am very sorry that my time was so occupied that I did not have an opportunity to express to you my appreciation for your very excellent hospitality while in your city before I departed.

Please be advised that I was agreeably surprised when I learned from Mr. Hederly and his chief deputy that southern California had already sent in protest to Senate bill 1452 and that a majority of the commissioners had expressed themselves in opposition to the bill.

Mr. E. W. Nelson had led me to believe that California was unanimous in favor of the bill, but I found the sentiment absolutely opposed to it, with the exception of one of the California commissioners.

I am very certain that California is anxious to join our association.

If at any time I can be of service to you, please feel at liberty to call upon me.

Sincerely,

JOE V. PROCHASKA, *State Game Warden.*

WESTERN ASSOCIATION OF STATE GAME COMMISSIONERS,
102 STATE CAPITOL BUILDING,
Salt Lake City, Utah, January 26, 1922.

Hon. CARL HAYDEN,

Member of Congress, Washington, D. C.

SIR: I have been directed by the Western Association of State Game Commissioners to forward to you a copy of a resolution adopted at a recent meeting held by said association at Salt Lake City.

It is, therefore, my pleasure to inclose a copy of said resolution herewith.

Very respectfully, yours,

J. W. TINGEY, *Secretary.*

**STATEMENT OF MR. FREDERIC R. COUDERT, NEW YORK CITY,
OF COUNSEL FOR AMERICAN GAME PROTECTIVE AND PROPAGATION ASSOCIATION.**

Mr. COUDERT. If the honorable chairman of the committee will permit me, perhaps I should identify myself by saying that I am the author of this brief the outside of which you so generously praised. I thank the honorable gentleman from Texas (Mr. Jones) for that praise, and I hope you will like the inside as well as the outside. I paid more attention even to the inside than I did to the outside, and I hope it will grow on you as you read it.

Mr. JONES. If it does it is all right.

Mr. COUDERT: It was with some satisfaction and pleasure that I heard a rumor as I came into the room to the effect that my presence here would be worth from \$5,000 to \$10,000 to me. But, unfortunately, that is not the fact. It is to be greatly deplored, but it is always delightful to have some people think that you are worth something.

I come here simply as an American sportsman, because I enjoy the sport. I wrote this little brief, with my young associate here, at the request of the president of the association. And I may say that I paid for the cover, the inside I got out of my head, and the only compensation I get is the pleasure of listening to you gentlemen discuss this bill and the satisfaction I always have as one of the myriads of American sportsmen in supporting any bill for the improvement of that noblest of American birds, the duck, as well as the goose and wild fowl generally.

Now, I do not think you gentlemen of the committee want to waste any time on what has been thought to be a possible objection, namely, some question as to the constitutionality of the bill. If that had been an objection, that objection, it seems to me, has been completely wiped away by the one department of our Government whose function it is to pass upon such matters, the Supreme Court of the United States. So the objection comes too late, and the contention is not even made by this association of western gentlemen, who approve the Federal law, but who would prefer that the whole people who do not shoot should be taxed to support it rather than the people who do shoot. That is one objection I have heard so far.

That question of constitutionality, it seems to me, has been settled in the case of *Missouri against Holland*. The situation is just this—I will state it very briefly—it is very familiar to my brother lawyers here: That this migratory bird act was in pursuance of a treaty, and was a matter of the highest national concern. The Supreme Court of the United States, speaking through Mr. Justice Holmes, has characterized it as being a matter of the highest international concern, which concerned other countries, which came within the treaty-making power; and the treaty being valid, certain obligations rested upon the Government and the people of the United States in order to carry out those obligations. Therefore that legislation became constitutional, and the Federal legislation on migratory birds has now passed into a part of our constitutional and institutional system.

This act is merely complementary thereto, or supplementary thereto. It does three things: First, it establishes for these birds—so much benefited already by the Federal law—some protection against the one thing that is fatal to them everywhere—the encroachment of civilization. As the population increases these birds must disappear unless they can find some sanctuary where they can be undisturbed in their breeding places. Therefore, in addition to the excellent Federal legislation already existing, it is designed by the bill before us to establish as a safeguard against the increase of population these sanctuaries where the birds can breed and be protected under the supervision of the Federal Government carrying out its treaty obligations and for the benefit of the whole people of the United States. That is the one object which apparently nobody is against or has disputed.

Second, the learned and interesting gentleman from Texas has raised the point that perhaps the poor man would not be benefited by this sort of act. In sportsmanship there is no poor man and no rich man, in this sense, that, as you say, every American likes his sport. The rich man may have this advantage, that he may be able sometimes to buy up a large piece of land and go there and establish a sanctuary and bring the birds there and get his shooting.

But what is the effect of this bill? It is doing for the whole people what men who have means do for themselves. Of course, it gives a sportsman an advantage to have means. But it is just as well that the law should not minimize the advantage, but make the advantage as general as possible, and therefore not only is a sanctuary provided but public shooting grounds are provided where the ordinary American citizen may, under adequate regulation, have his game shooting. That is the second purpose of it, and it seems to me that that is an honorable and proper and decent one.

The third purpose is to raise the money. I personally would not have the slightest objection, and most sportsmen would not, to be relieved of the tax, whether it be a dollar or more, and to have that paid by the whole people. But that does not seem to be good sense. There is no reason either in constitutional law or in common sense why the men who avail themselves of the shooting privilege, as we all do to-day under the State laws, should not pay something for that privilege. We all know that the ordinary cartridge costs in the market 4 or 5 cents. A man who is going to do any shooting has got to pay \$4 or \$5 for his cartridges. Now, the man who can do that is able to pay and ought to want to pay a dollar for his shooting license. His sport is worth that, and it is obtained very cheap if that dollar goes to increase the fowl by protecting their breeding places. If it gives to the sportsmen throughout the United States more or less opportunity to hunt in a preserve where he will have a better opportunity to gain the advantage of the increase of these fowl that comes from the protectory law, the only burden that it puts upon the whole people is the burden that it puts upon the individual as a member of the sporting confraternity to pay his.

dollar. Through this small fee you raise this great fund for these two fine national purposes.

The CHAIRMAN. Let me say this. The chair has no intention or desire to limit your time, but it is now 12 o'clock, and it occurred to me that probably the witnesses would prefer to go on to-morrow when they can be given more time. We are operating under a rule which requires us to suspend at 12 o'clock.

Mr. KINCHELOE. Let me ask you one question. It seems to me, from the resolutions adopted by this western association, that they are fearful that this bill might contravene or supersede some State regulations. I am sure from your brief here that you as a lawyer have given this a great deal of study. Is there, in your judgment, anything in this bill that would supersede or contravene any of the State laws or the regulations under the present law anywhere in the United States?

Mr. COUDERT. I do not know of anything in the bill that would affect that law, because the three points of it are: First, the sanctuary. I can not see how that would be affected. It would not affect any State in which a sanctuary was, except to give them more ducks, and to give the people of that State an opportunity to shoot. I do not see how it would hurt the people of the other States. How could it hurt them to have a breeding ground in another State?

As we already have regulations as to the shooting season, the number of days when shooting is permitted, etc., governed by the Federal law, I can not see any possibility of a conflict with the Federal law. Of course, there is bound to be a little jealousy here and there in local sections between local and Federal officials. You gentlemen know that; you have seen it everywhere. That is an incidental by-product. But as these gentlemen will tell you, on the whole, and with few exceptions, the Federal game wardens to-day are well supported and strongly supported by the State game wardens.

I do believe, in answer to the question of the honorable gentleman, that there is no real conflict in this bill between the State authority and the Federal authority anywhere. All of the conflict has been already bridged over and settled by the Federal law. If this bill goes into force the whole people of the United States will be proud and happy in the possession of game refuges and public shooting grounds.

Mr. VOIGT. Suppose an amendment were put into this bill allowing the owner of land to shoot on his own premises without a license. Would that affect the constitutionality of it?

Mr. COUDERT. I do not believe that that would be a nonuniform regulation. I do not think myself it would impair the bill particularly. I take it that the only necessity for constitutionality is that as this is an excise tax, the only requirement for the excise tax, as has been decided again and again, is uniformity. I should say the court would hold it was sufficiently uniform.

Mr. JACOWAY. Suppose it should fail on that ground. It would not fail on the ground that this was a privilege—on the proposition that the Federal Government had a right to tax for the privilege of doing a thing?

Mr. COUDERT. There is not any doubt that this is a perfectly good excise tax, and it is a privilege tax—not a direct tax. And while I have not given any special consideration to the question you raise, it is, I believe, not uncommon in some of the States which have similar taxes. And I am inclined to believe—I am speaking offhand—that it would not affect the uniformity of the tax on the ground that it was a tax on all sportsmen, the exception only being the owner of the land on his own ground, and that for the purposes of that tax stands in a classification apart.

Mr. TINCHER. I was suggesting an amendment to the bill on that theory. Some of the gentlemen were raising that objection to the bill. I do not believe it would affect the constitutionality of it.

Mr. COUDERT. I do not believe it would; I do not think it would affect the constitutionality at all. As you, I believe, put it very well, a man would not stop at a fence who was after a migratory bird; he would not stop because the bird got over the fence; he would go over the fence and then pay his dollar.

Mr. JACOWAY. Why not get around it by using the words "inclosed premises?"

Mr. COUDERT. It might be a good idea. I will leave that to you gentlemen. I do not think a duck-shooting club ought to be exempt; just an individual.

Mr. JACOWAY (handing copy of the bill to the witness). I wish you would look over the words inserted there in section 12 and see what you think of it.

Mr. COUDERT. I would like to ask Commissioner Phillips, of Pennsylvania, what the Pennsylvania practice is.

Mr. PHILLIPS. When a warden catches a man violating the game law the game warden has the right to arrest him, but if he has to follow him afterwards into his home he must have a search warrant.

Mr. VOIGT. That is the common law on the subject of arrest.

36 MIGRATORY BIRD REFUGES AND PUBLIC SHOOTING GROUNDS.

Mr. COUDERT. That is what we do in the State of New York.

Mr. PHILLIPS. If he did not arrest him on the spot it would be utterly impossible to get to him. Say a man away out in the woods kills a deer; it would be utterly impossible for the warden to get a warrant for him.

Mr. COUDERT. Men come along, usually in the camping season, with shot guns. The game warden has not any idea who they are. They may come by automobile, or by motor boat. If the game warden did not arrest them then he would never see them again.

Mr. JONES. I want to make this statement about the proposition of the owner not having to pay the license. I was not suggesting that for the purpose of trying to be captious. The man who owns a piece of property usually has a deep seated idea that he is the real owner of the property, and he has a pride in it, and you can not get the average man to realize the distinction that has been made here between migratory birds and other kinds without going down and talking it over personally and explaining to him. He feels that as he owns the land and as the birds come and light there, he ought to have the right to shoot them in season. I have an idea that that is the way he would feel, and I have an idea you would have a pretty hard time explaining to the average man.

Mr. COUDERT. You may be right about that. At any rate, it would not affect the revenue that would be derived from the operation of the law.

I thank you for your kind attention.

Mr. BURNHAM. Mr. Chairman, it may be some of the witnesses that are here can not be here to-morrow. Can they register their presence, and state that they are in support of the measure?

Mr. JONES. I move that they be allowed to register their presence, and, if they wish, to file a short written statement in connection with it.

Mr. VOIGT. It might be well to give them the privilege of taking up not to exceed one page in the record.

Mr. JACOWAY. I second that motion.

(The motion was agreed to.)

The CHAIRMAN. I have a letter from President Harding, transmitting a letter from the Secretary of Agriculture on the recent national conference held to discuss the agricultural problems of the American people, together with reports of the committees on resolutions to the conference, and the proceedings of the conference, and a letter from Secretary Wallace suggesting that they be printed as a document. What is the desire of the committee?

(It was moved, seconded, and carried that the papers referred to be printed as a document. On motion by Mr. Clague, seconded by Mr. Sinclair, it was ordered that a reprint of the filled-milk hearings be obtained if possible.)

The CHAIRMAN. The committee will now recess until to-morrow morning at 10 o'clock.

(Whereupon, at 12.10 o'clock p. m., the committee recessed to meet at 10 o'clock to-morrow, Saturday, February 18, 1922.)

COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, *Friday, February 17, 1922.*

The committee met at 10 o'clock a. m., Hon. Gilbert N. Haugen (chairman) presiding.

There were present: Mr. Haugen, Mr. McLaughlin of Michigan, Mr. Tinchler, Mr. Williams, Mr. Sinclair, Mr. Clague, Mr. Clarke, Mr. Jacoway, Mr. Aswell, Mr. Kincheloe, and Mr. Jones.

The CHAIRMAN. Dr. Nelson, you may proceed.

STATEMENT OF MR. E. W. NELSON, CHIEF, BUREAU OF BIOLOGICAL SURVEY.

Mr. NELSON. Mr. Chairman and gentlemen of the committee, the Biological Survey has the administration of the present migratory bird treaty act and would be in charge of the administration of the present bill if it should be passed.

We have done a great deal of investigating in the last few years in reference to the matter of maintaining the supply of migratory game birds. The result of the migratory bird treaty act has been a great increase in the supply of wild fowl, but the rapid increase of drainage throughout the United States is taking away the homes of these birds, and if this is continued without any effort being made to maintain marsh and

water areas for the birds the ultimate result will be the wiping out of the birds, simply because they will have no place in which to live, to breed, and to feed; and the main object of this bill, as I understand it, is to provide such places permanently under charge of the Federal Government, in order that the large supply of wild fowl we are building up can be maintained. That is essential to the maintenance of this great supply of wild fowl which is an asset yielding many millions of dollars a year, and it can be perpetuated in this way.

The CHAIRMAN. Will you kindly indicate what you have in mind doing with that money? Where would it be expended?

Mr. NELSON. It would be expended in maintaining the necessary warden service to enforce the migratory bird treaty act.

The CHAIRMAN. I had reference to the preserves.

Mr. NELSON. If this bill should be passed, we would immediately take up the matter in each State with the State game warden and make a reconnaissance of the State to locate the best available sites for reservation and shooting-ground purposes.

The CHAIRMAN. All over the country?

Mr. NELSON. And on the basis of the information secured begin a comprehensive country-wide effort to get those places established as rapidly as the funds would permit. It would in no way be any attack on drainage. We recognize the fact that there are any number of places where drainage is necessary to develop agricultural lands, but what we would like to do would be to preserve areas which are worth more for the maintenance of migratory wild fowl than they are for agriculture.

The CHAIRMAN. The Federal Government has no jurisdiction over the drainage. That is a State proposition.

Mr. NELSON. We would not wish to interfere in any way with the States; we merely wish to purchase certain land and water areas from the present holders. In addition the Government already owns certain limited areas of land that could be utilized, but the majority of reservations and shooting grounds will have to be purchased from the present holders and be held and maintained by the Government for such purposes, and these areas will be mainly those which would be of little if any value for agriculture. As has been said already, among the numberless drainage projects quite a number have destroyed valuable water areas and the land has proved to be valueless for agriculture.

The CHAIRMAN. Have you any data as to the available areas for this purpose?

Mr. NELSON. Only in a general way. There is, for instance, at the mouth of Bear River, at Salt Lake, one of the finest places laying ready to be made such a refuge to-day, and the people in Utah are very much interested in this proposition. The governor was chairman of a meeting held in Salt Lake City with the State game warden and sportsmen to discuss this thing, and they were unanimously in favor of a Federal refuge and shooting ground being made on this Bear River marsh.

Mr. JONES. Utah is one of the States mentioned yesterday that had resolved against this bill.

Mr. NELSON. I am satisfied that that resolution was passed under a misapprehension of the scope and intent of the bill.

Mr. Marsden, the State game warden of Utah, who signed as chairman of the meeting passing that resolution, is enthusiastically in favor of this Bear River marsh being made a Federal refuge and shooting ground under the conditions of this bill. I talked with him only a short time ago about it.

Mr. TINCHER. That resolution did not contradict your statement; the resolution simply advocated the Federal Government appropriating the money.

Mr. NELSON. Yes; instead of getting it in this way, through an apparent misunderstanding of the meaning of this bill.

The CHAIRMAN. The purchases would naturally have to be confined to cheaper lands, would they not?

Mr. NELSON. Yes; naturally we would not be able to buy high-priced lands for this purpose. These refuges would be largely on waste land or land that could be obtained at a reasonable price.

The CHAIRMAN. Such lands are available, are they, in most of the States?

Mr. NELSON. Yes. We know one area in Illinois that is available.

Mr. WARD of North Carolina. Marsh land and shoals in shallow water?

Mr. NELSON. Yes, and small lakes, such areas are available, including some that have been drained and proven to be worthless, or of little value for agriculture. By putting in a dike at small cost in some places of this kind those lands could be restored and again made useful as bird refuges, where now they are lying useless.

The CHAIRMAN. Are there a considerable number of them?

Mr. NELSON. Yes, there are a number of them.

The CHAIRMAN. That have been abandoned?

Mr. NELSON. Yes, there are a number of those lying idle. There are some, I think, in Minnesota that are lying now as bogs or with soil of no value. They were drained and are now practically useless for anything. Such areas could be restored to productive usefulness.

Mr. McLAUGHLIN of Michigan. Dr. Nelson, I can not quite get the idea in regard to these public shooting grounds. What is proposed? Just what are they to be?

Mr. NELSON. We have a practical illustration of that to-day in western Montana, where the irrigation reservoirs are great bird resorts. They are breeding grounds for a lot of birds in the spring and summer. Last summer the President set two of them aside as bird refuges under the direction of the Secretary of Agriculture and they are guarded as breeding places in the breeding season and in the fall are utilized as public shooting grounds.

Mr. McLAUGHLIN of Michigan. You do not propose to permit shooting at any time in these reserves, do you?

Mr. NELSON. No shooting would be permitted on some of them, but many others would be guarded during the breeding season and after that, in the open season in fall the public would be permitted to hunt on them. The Secretary of Agriculture has issued a regulation that during the open season in the fall, after the birds have all bred and the migrating birds have come in, those reservations in Montana mentioned above may be used as public hunting grounds. The same procedure would be followed in the public shooting grounds under this bill.

Mr. KINCHELOE. That is land owned by the Government, though?

Mr. NELSON. The irrigation reservoirs are, but the adjoining lands may be in private possession.

Mr. KINCHELOE. The land, though, is owned by the Government?

Mr. NELSON. The land around the reservoirs is gradually taken into private ownership, but the reservoirs, the places where the birds live are under control of the Government.

Mr. McLAUGHLIN of Michigan. I gathered that the refuges and the shooting grounds were to be separate propositions, different locations, treated differently.

Mr. NELSON. The only difference will be that on certain reservations no shooting would be permitted at any time while on others shooting would be permitted during the legal open season.

Mr. McLAUGHLIN. No shooting at any time?

Mr. NELSON. On some no shooting at any time. Some of them involving a very large area, half might be maintained as a sanctuary in which no shooting is ever permitted, but in the other half shooting might be permitted. In other words, after the birds have finished their breeding many of these areas can be utilized for shooting without interfering with the proper maintenance of the bird supply. For instance, in some of the western States where they now have very poor opportunities for shooting those opportunities can be increased by creating artificial reservoirs. Shooting clubs have done that in many places. A small amount of money spent on a dike would create an artificial reservoir or lake to which the birds would resort. If the birds breed there they would be guarded during the breeding season, and in the fall hunting could be permitted. As it is at present it would continue to be the province of the Biological Survey to look out and see that the birds were not overshot—that is, that the breeding supply was maintained up to a point that would continue to bring back each fall a sufficient number to provide shooting and to leave the necessary breeding stock.

Mr. KINCHELOE. If this bill should become a law would you contemplate that there would be at least one refuge or sanctuary in every State in the Union?

Mr. NELSON. Before we are through with it there will be more than that.

Mr. KINCHELOE. But there would be that many?

Mr. NELSON. A considerable number, but the aggregate acreage would be comparatively small.

Mr. KINCHELOE. Do you think the topography of every State is such that that can be done?

Mr. NELSON. There is not any question but what that can be done in every State. And in a State where the birds would not breed to any great extent but where they pass or remain during migration and in winter these reservations are equally necessary with breeding grounds, since the birds must have suitable places in which to live and feed. The supply of wild fowl can be increased in some States beyond the present numbers by creating reservoirs.

Mr. KINCHELOE. It was stated here yesterday that this bill would not interfere with the present law or game laws of any State or the game laws of any of our zones that you already have. It would interfere, would it not—contravene, rather, so far

as the domestic game is concerned that would happen to be on some of these sanctuaries, would it not, that would be subsequently established under this bill?

Mr. NELSON. There would be practically no interference with resident game, as on the present bird reservations it would be necessary to prevent trespass injurious to the migratory birds.

Mr. KINCHELOE. I know, but what I mean is you would have more of them, of course, and therefore to that extent it would contravene the State game laws.

Mr. NELSON. The only interference would be simply to protect these areas against trespass in order that the migratory birds would be properly protected.

Mr. KINCHELOE. Doctor, how many States—you need not name them unless you want to—how many States in the Union do not cooperate hardly at all with your department under the present law?

Mr. NELSON. Not a State but that gives us some cooperation, mainly on a cordial and friendly basis, but three or four are antagonistic.

Mr. WARD of North Carolina. Which ones are they?

Mr. NELSON. I prefer not to name them. But I might say here that it has been a great gratification to the Biological Survey to find how heartily and on what friendly terms the State game service are cooperating with us. We have now about 400 deputy United States game wardens, nearly all of whom are deputy State game wardens appointed on the recommendation of the State Game Commission or the State game warden. A number of the State game wardens have urged us repeatedly to increase our Federal warden service in their States. They are not afraid of our encroaching on their rights or duties; they know we are not trying to do anything of that kind. We are trying to build up the game resources of the States and wish to work with them. We can not do our work successfully unless we do it in friendly cooperation with the State game service.

Mr. ASWELL. Louisiana cooperates, does it not?

Mr. NELSON. Splendidly. Mr. Alexander is one of the best friends we have in this work.

Mr. JONES. Dr. Nelson, the National Government secures these bird reserves, or whatever you call them, and they are then immediately taken out of the realm of State taxation; that is, they are not subject to State taxation?

Mr. NELSON. They are areas on which the amount of taxation would be trivial. From these waste lands or water areas the State gets little or no return in taxes.

Mr. JONES. Then in addition to that the National Government is necessarily put to the expense of having people there to guard and look after the enforcement of the rules with reference to them, and to go to that expense also. They are not worth anything as refuges or shooting grounds without that.

Mr. NELSON. That expense would be taken care of out of the money derived from the hunting licenses.

Mr. JONES. Provided you got sufficient money, but nearly all of these projects, it has been our experience, ultimately become a burden and a drain on the National Government. We make appropriations for all of them, do we not?

Mr. NELSON. I do not think there is the remotest chance for anything of that kind to happen here.

Mr. JONES. Now that argument was made when the irrigation plan of this country started. I do not say that irrigation is not a good thing, but I am just giving that as an example. They claimed that all of these irrigation projects would be taken care of by the owners of the land, but it so happens that we are continually making appropriations to look after those matters. Of course it has been necessarily so in the nature of things. Now if you did not get sufficient money from this source, the National Government would have to make appropriations to care for these preserves, would it not?

Mr. NELSON. Not necessarily. Under the conditions that exist we know there are to many people hunting that we would get about a million dollars a year, and as the number of sportsmen is increasing every year and it would probably go beyond that in the course of time. This income would certainly take care of all the expenses.

Mr. JONES. You are utilizing an establishment of Government though in the way of the post office system, which of course saves this particular item a lot of expense, but at the same time entails considerable additional work on the post office system.

Mr. NELSON. That would be paid out of this revenue. The plan is to have all of the governmental expenses connected with this matter paid out of this income.

Mr. JONES. How much do you estimate will be paid to the Post Office Department?

Mr. NELSON. I do not know. Perhaps \$50,000 a year—something like that. That would be a matter of adjustment between the Post Office Department and the Department of Agriculture. The idea is that this hunting license fund would relieve the

40 MIGRATORY BIRD REFUGES AND PUBLIC SHOOTING GROUNDS.

Government of the present necessity for certain appropriations. At the present time there is an appropriation of about \$142,000 a year for migratory-bird work, and another of about \$30,000 to care for bird refuges. Those would be taken care of under this law. The Treasury would be relieved of an annual expenditure of more than \$160,000.

Mr. JONES. You start out, though, in this bill with an initial appropriation of \$50,000.

Mr. NELSON. Merely to start it, and that is to be paid back at once by the returns, just as soon as the thing gets into operation.

Mr. JONES. Provided the returns materialize, of course.

Mr. NELSON. They can not help materialize. The people must take out licenses to hunt migratory birds.

Mr. KINCHELOE. Doctor, you will agree that the success of the present law is not only attributable to the efficient management in your department but to the cooperation which you get throughout the country?

Mr. JONES. Mr. Chairman, Mr. Ward is here in opposition to the bill and I would like to have him testify. Are the hearings supposed to close at 12?

Mr. McLAUGHLIN of Michigan. Mr. Ward is here all the time, and he can appear any time, can he not?

Mr. JONES. He only wants 5 or 10 minutes, and the fact that the hearings are going to close is the only reason I raised the question.

Mr. TINCHER. There are gentlemen here who have come from many hundreds of miles to appear, and it is mighty easy for one witness to take all the time.

The CHAIRMAN. Are there any present who desire to be heard in opposition to the bill from outside of town?

A VOICE. Mr. Chairman, I did not wish to take up the time of the committee, but I would like to file a very brief argument against the bill, if that will be permitted.

Mr. TINCHER. You are here all the time?

A VOICE. Yes; I can be here any time, but I did not suppose the committee wanted to consider the matter after to-day.

Mr. RIGGS. I would like to file an argument against a certain phase of this bill, if I may be permitted.

The CHAIRMAN. It seems to be the desire of the committee that opportunity should be given for cross-examination.

Mr. TINCHER. Yes; if they are here we want to hear them.

The CHAIRMAN. I take it some arrangement should be made as to the division of time.

Mr. JONES. It seems to me if we are going to close we ought to give the opposition an opportunity to speak.

Mr. ASWELL. Some of the gentlemen over there should arrange the time.

Mr. WARD of North Carolina. May I simply say this, Mr. Chairman? It is entirely fair and proper and right that I, as a Member of the House, should be made to stand back for these gentlemen, provided you can hear me this week, but after this week I will not be in the city. I am compelled to go home, and just so you can hear me to-day or to-morrow it is proper to give them the first consideration.

The CHAIRMAN. I think we will have to conclude the hearings to-day, because we have other matters up to-morrow.

Mr. WARD of North Carolina. I beg you will give me some time.

The CHAIRMAN. The calendar is full for the balance of the month.

Mr. McLAUGHLIN of Michigan. Can you file a statement instead of making an oral argument?

Mr. WARD of North Carolina. I doubt if I have time to file such a statement as I would like to now, because I did not know the bill was under consideration until late yesterday, but I will do the best I can.

Mr. JONES. If to-day is to close the hearings, to-day at noon, it seems to me that some time should be given to the opposition. That is all I am interested in. We want to get both sides of this. If we are going to have unlimited hearings, that is a different proposition.

The CHAIRMAN. Of course, the rule is to hear both sides.

Mr. TINCHER. The chances are when we get started we will just finish with this man by noon, because that is the history of it; they generally say, "We all want to be heard," and then one man gets up and talks till noon and the rest of them sit back and say nothing.

Mr. ASWELL. It is not the fault of the witness. He continues to answer questions by the committee.

Mr. JONES. It is not the fault of the witness, but there ought to be some arrangement for allotment of time in some way.

Mr. ASWELL. Put them under the 5-minute rule.

Mr. WILLIAMS. And then let them talk. We have nothing else to do here but listen to talk on this matter.

The CHAIRMAN. What is the pleasure of the committee?

Mr. CLARKE. Let us find out how many men are here and allot each one of them 5 or 10 minutes either for or against the bill, and not any of us interrupt them with any questions.

Mr. JONES. It is an hour and a half to 12 o'clock. I move you that we allot one-half that time, if it is desired, to the opponents of the bill and one-half of that time to those who favor the bill, and let some one then who is in charge allot so much of the time as he desires to each particular witness who is on the stand.

Mr. TINCHER. I move to amend that motion by providing that all parties speaking on the bill be limited to five minutes, and that if either party does not use all their time the other side has that additional time.

The CHAIRMAN. You have heard the motion. What is your pleasure?

Mr. JONES. On the question of five minutes, suppose we only had two or three in opposition; we might not be able to use up the time that way.

Mr. TINCHER. I made that amendment on the theory that any man could tell all he knew in five minutes. That is the rule of the House.

Mr. JONES. That may be true, Mr. Chairman, but we had a man for the bill yesterday who occupied an hour's time; now I do not think it would be fair—we have heard no one in opposition.

Mr. CLAGUE. That was a good deal due to our asking questions.

Mr. JONES. I know; I am not blaming the witness. I am just talking about the real facts that occurred. Now there only seem to be two or three in opposition to it.

Mr. TINCHER. You do not want to give them half the time, do you?

Mr. JONES. I do not see why they should not have half the time if they furnish one side of the argument.

Mr. CLARKE. Mr. Chairman, we can soon boil this down. How many are there that want to appear in opposition to this bill, and how much time do you want?

A VOICE. Five minutes.

Mr. CLARKE. How much time do you want?

Mr. RYAN. I can file a statement.

Mr. CLARKE. Let Mr. Ryan file a statement, then. Give 10 minutes to Mr. Ward, 5 minutes to this gentleman here, and Mr. Ryan will file a statement. That is the opposition.

Mr. JONES. How much time would you like to have, Mr. Ward?

Mr. WARD of North Carolina. Ten minutes, if I can not get any more. Thank you for that.

Mr. JONES. I would like to hear Mr. Ward for 10 minutes and the other gentleman for 5 minutes—or 10 minutes.

Mr. KINCHELOE. So far as I am concerned, my mind is still open on this bill. I think we ought to have 15 minutes, in fairness to the opposition.

Mr. CLARKE. Well, 15 minutes, and Mr. Ryan can file his statement. That is the opposition.

Mr. KINCHELOE. I just want to ask you a question, Doctor, because you are the head of this thing and will administer this law.

I think you will agree that the success of the present law is attributed not only to the efficiency of your department, but to the cooperation of the various State game wardens and the county wardens throughout the United States, and the individual citizens of the country?

Mr. NELSON. Undoubtedly.

Mr. KINCHELOE. And those three elements are necessary in the administration of this law if it is to be a success?

Mr. NELSON. Certainly.

Mr. KINCHELOE. Now, as you know, in Kentucky, my State—by the way, I think it enforces its laws pretty well; I think you will agree with me, Mr. Ward, it is one of the best we have in the country—under our State law the owner of the land is permitted to hunt on it without paying any State license, and that is one of the things that has made the game laws of Kentucky popular, because not only does that fellow escape that license, but it makes him a booster to preserve the game of the State. In view of that fact, do you not think that this law would be better administered, more popular in the country, if there was an amendment to this bill permitting the owner of the land to hunt this game on his land without paying any Federal license?

Mr. NELSON. I think that possibly would be the fact, if the privilege of not paying license was properly limited to the owners.

Mr. ASWELL. How about the refuge territory?

Mr. KINCHELOE. Of course, he would be subject to a tax on a license there.

The CHAIRMAN. In regard to the drainage districts that you spoke of, I have been over a good deal of Minnesota and I do not know of any great drainage projects that have been abandoned. I fear that if the statement should go out, that the policy would be to build dikes, and that certain drainage projects should be abandoned, I am afraid we would get in trouble. There have been millions of dollars spent in drainage, and I take it that the people are not ready to abandon those drainage projects; we do not want the statement to go out that the Government intends now to step in and purchase these lands and build dikes and dam the water.

Mr. NELSON. Only in occasional places, not as a general proposition. We had no idea of conveying that impression.

The CHAIRMAN. Then I think you had better modify that statement so as to have it clear to the public.

Mr. NELSON. Of course, taking all of the drainage projects, that would only be a limited per cent.

The CHAIRMAN. It would not be all of them but certain particular ones that you would take over?

Mr. NELSON. There is a limited per cent of them that having been unsuccessfully drained perhaps due to the character of the bottom of the lake might be purchased from the owners to be made into public shooting grounds.

Mr. JONES. Would you have the National Government dictate when the drainage should occur and when not?

Mr. NELSON. Oh, no; in no way whatever.

The CHAIRMAN. You spoke of the peat marshes. I happen to have one in Minnesota myself, it has developed into one of the best farms in the country. I do not think anybody would be in favor of abandoning that project and setting it aside for any game preserve. We think it can be utilized for better purposes by planting it into corn.

Mr. NELSON. There is no thought of any compulsion—there is no expectation of having any kind of compulsion here; it would be taking by purchase some areas that have been drained, but that have proven to be unsuccessful for agriculture.

The CHAIRMAN. That have proved to be worthless as agricultural lands?

Mr. NELSON. Yes, sir.

The CHAIRMAN. That is all right, just so we have it in the record.

Mr. KINCHELOE. I did not get my thought developed there. Would you object to an amendment to this bill exempting the owners of the land from paying a license for hunting on their own land?

Mr. NELSON. Not under proper limitations, no—that is, I mean to have it so that it could not be taken advantage of improperly by, for instance, the owners of private shooting clubs or something of that kind.

Mr. KINCHELOE. I am talking about the individual owner of land.

Mr. NELSON. I think that could well be done.

I would like, Mr. Chairman, to call attention to the report by the Secretary of Agriculture on this bill, which at your request he submitted some months ago in favor of it, and I would like here to also introduce into the record a letter from the Assistant Director of the Bureau of the Budget. Last summer there was an inquiry made from the Budget as to what activities of the department might properly be charged for, and the Bureau of the Budget was informed of this bill which proposes to charge a dollar a year hunting license to provide funds to administer the migratory bird treaty act and take care of bird reservations, for which Congress is now appropriating money, and this is the reply:

TREASURY DEPARTMENT,
BUREAU OF THE BUDGET,
Washington, September 29, 1921.

Hon. HENRY C. WALLACE,
Secretary of Agriculture, Washington, D. C.

DEAR MR. SECRETARY: We have yours of September 26 in answer to our inquiry regarding the possibility of making a charge for certain services of your department now furnished free to the public. I hope the bill before Congress may become a law. If this session passes without action by Congress, should we not consider then the possibility of covering this by an Executive order?

Respectfully,

WM. T. ABBOTT,
Assistant Director of the Bureau of the Budget.

That refers to the present bill under consideration.

Mr. McLAUGHLIN of Michigan. Your idea now is, Dr. Nelson, that the revenue derived from licenses would cover the entire expense of enforcing the migratory bird law, and no appropriation whatever would hereafter be necessary?

Dr. NELSON. Yes, the money derived from these hunting licenses should render unnecessary any further appropriation for that purpose.

Mr. McLAUGHLIN of Michigan. That is your idea, is it?

Dr. NELSON. That is my idea.

Mr. McLAUGHLIN of Michigan. How much is now appropriated for that purpose?

Dr. NELSON. About \$142,000, I think.

Mr. McLAUGHLIN of Michigan. What has been the appropriation in years back? Has it grown up to that \$142,000?

Dr. NELSON. Yes, sir.

Mr. McLAUGHLIN of Michigan. How do they run?

Dr. NELSON. I think it began with \$50,000, and I may say that the appropriation now is very inadequate, and this law would supply the needed additional funds to bring the administration up to the efficiency that we need.

Mr. McLAUGHLIN of Michigan. The writer of this letter had in mind if this law is not enacted—he advises the enactment of this law, having in mind that it would relieve the Government from this appropriation that has been made in years past?

Dr. NELSON. Yes, sir.

Mr. McLAUGHLIN of Michigan. The one that is now running?

Dr. NELSON. That was his idea, and it would be done. I think, gentlemen, that I am through with my statement.

The CHAIRMAN. It has not worked out that way in other legislation.

Mr. NELSON. I do not see how it can possibly fail to work out in this case.

The CHAIRMAN. What did they have in mind there as to the Executive order? What was meant by that "Executive order"? What was it supposed to cover?

Mr. NELSON. It is a mere inquiry as to a possible saving.

The CHAIRMAN. Has it come to this, that the Budget Bureau has taken jurisdiction over legislation as well as appropriations?

Mr. NELSON. Not at all. I think that was a mere informal inquiry to learn if something might be done to save expenditure of Government money.

The CHAIRMAN. If that policy is to be carried out there is no need of Congress and Congress might just as well adjourn.

Mr. TINCHER. I do not want to take up the time, but there is not anything mysterious about that letter. It says if Congress don't pass the law this year can't the President by Executive order stop the expenditure of public money? That is what he means undoubtedly.

Mr. JONES. No, he says: "If this session passes without action by Congress, should we not consider then the possibility of covering this by an Executive order?"

The CHAIRMAN. Congress might as well adjourn, then. We should not spend any time here considering legislation if they are going to do it by Executive order.

Mr. ASWELL. Why could you not issue an Executive order authorizing them to charge a fee now?

The CHAIRMAN. We will hear now Mr. Ward.

STATEMENT OF HON. HALLETT S. WARD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA.

Mr. WARD. Mr. Chairman and gentlemen of the committee, it is very good of you to give me an opportunity to show you as best I can the peculiar application of the law in my district, the territory in my district, and its application.

Mr. Chairman and gentlemen of the committee, the conditions in my district are different from anything that has been stated since I have been present. In my district are situated perhaps the most interesting and the most valuable hunting waters in the United States. I expected to find a map of the United States in your room that I might show you where you are when you get to the waters of the Currituck Sound, where the famous canvasback finds almost not his native but his favorite home, and also other species of wild duck, that if it had been known would have been envied by the Olympian gods in the good old days of Ambrosia.

The word "waters" I do not think appears in your bill. It is "grounds." But migratory birds feed, find their refuge, and are hunted in waters, especially shallow waters, waters shallow enough for the bird to find his food from the top of the water by a dive, feeding on the stuff that grows, the foodstuffs that grow at the bottom. That is what it takes to make sure-enough well-flavored duck for a gentleman to eat. That is the kind of duck I give you. Spread all over the broad and interesting surface

of water here is this wild celery, and dotted all around is the marsh, the shoal. It is shallow enough, Mr. Chairman and gentlemen of the committee, to be dry at one hour of the day and covered by water at another hour of the day, and at that hour of the day when the tide has receded that is land; that is not water, and that falls under the provision of your bill.

Now, dotted all around here in these waters are little bodies of land of from 1 acre and less to 100 acres, where the sportsman acquires his property rights, builds his home, and spends his winters. He comes from the places of the earth where men have retired from labor and care and responsibility and have gone out to spend his life in sporting. If he can acquire rights to that land and protect that land he has protected thereby the adjacent waters, so that in giving the possession and the right to the land you have given by that act the right to the waters, because from the land—you go to the land and stay all night and get out early with the break of day next morning to hunt on the adjacent waters. There must be a right in the land in order to enjoy the right in the adjacent waters. That is the geographical, the physical situation down there.

Mr. ASWELL. How will this bill affect that?

Mr. WARD. This bill affects that by letting the owner—and that is the object here, and there is so much in this bill that is not written: all well-drawn bills are pregnant with unseen things, and this bill is full of the unseen mischief, and what is it? The owner of that marsh, that sportsman, that hunter—and I am not mad with him at all, for I have personal friends among them, but he represents the true, the highest type of American aristocracy. I do not want to make him unpopular, and I could not by that, but don't go to Wall Street and the great cities of this country to find the aristocrat. He is not there. That man is at work, he is busy, he has got responsibility. Go down to these hunting clubs to find the best whisky that ever you saw in your life and the most of it, even now [laughter]—

Mr. CLARKE. Give me the address, will you?

Mr. WARD. Now, what I say, I say of my knowledge. He is the aristocrat of the world, in fact. Now, what does he want? He wants to give this land to the United States or have the United States acquire all this land in a reservation. That is what he proposes by this bill, to put this island and that island and that marsh and this shoal and that piece of land and this one all around here that is in his possession and in the possession of his associates in the hands of the United States Government under this bill—throw it into a reservation and keep the thousands of men that live around those adjacent waters and want a duck occasionally from going there.

Mr. ASWELL. Why could they not go there?

Mr. WARD. They could go by paying \$1 if there was one in the family. And right there, in connection with your present Audubon law, that law and the State law of North Carolina will only let him go a few hours in the week. They restrict him to the hours of the day and restrict him to the day.

Mr. ASWELL. Could your aristocrat do that?

Mr. WARD. He is at home. He lives on that marsh. This man lives out yonder in a cotton field or somewhere. He is trying to make his living. Now, then, the Audubon law says he can not go there, this native, except for a few hours in the week, and he can only kill so many; it limits his bag for him. And then, Mr. Chairman, in addition to that, your Audubon law grows out of the constitutional limitations, the Constitution restricting Congress to any more rigid discipline, grows out of the treaty relationship with Canada; two nations coming together put the power in their respective executives by treaty to say that after he has killed his 20 he can hold them in his hand and stand in front of the grocery store, and he hasn't got a pound of sugar at home or a pound of flour, and the groceryman's counters and barrels are full of sugar and flour, and he can not exchange a duck for a bag of sugar or a bag of flour under the present American and Canadian law.

Mr. KINCHELOE. Is it your contention, Mr. Ward, that this law will contravene State laws?

Mr. WARD. Supersede them, sir, and add an additional burden and restriction to them. I have said that in answer to Dr. Aswell's question as to whether the natives would not have all the rights that the club would have. He would not have. Now here is what the clubman wants by this law, Mr. Chairman. He wants his land to be policed by the Government and not by himself. He has already got guards on it, but what law has he got behind him? He has got the law that is in your State and mine, and no more, that a man shall not trespass upon the property of another after notice, and your statutes and mine, those of all States in the Union are very weak, they are very sympathetic with popular rights and they are not very satisfactory to the man that does not want a tract made on his land at all.

Mr. CLARKE. Just point out in this law—I want to get just where you read that into it.

Mr. KINCHELOE. Where he supersedes State law. If I thought this bill superseded State law I would not be for it.

Mr. WARD. I will take back that word and say super—adds a burden, a restriction. It goes further than the State law. Perhaps my word is not well used. It provides that the United States may acquire—it says “lands”, but it does not mean lands, Mr. Chairman; it means easement in the lands. It does not mean that the United States is going to acquire a fee simple title; they are not going to buy that land, they are going to simply buy an easement in it, a reservation in it. The owner is not going to sell it at all and the Government gain a fee simple title to the land.

Now these men that own these marshes on these waters propose to make a park out of it, and bring back to the waters of those people, where they think God has given them certain rights, the conditions that prevailed in England in the days of the barons, when nobody could hunt on the lands at all, under penalty of death, except the lord of the manor.

Mr. CLARKE. Wasn't it the barons that joined in the fight at Runnymede against King John?

Mr. WARD. That was to keep down taxation.

Mr. CLARKE. Not only taxation, but fundamental rights given to the people themselves.

Mr. WARD. I am a little further back than that.

Mr. CLARKE. Now, Runnymede was where the barons fought against King John.

Mr. WARD. I am just referring to those hunting conditions where hunting rights were held exclusively and arbitrarily by a few, and whether it was them or whether it was some others I am right about my facts, and it looks exactly like that is what the bill intends to do.

Mr. ASWELL. Does this bill give the aristocrats of whom you speak any special rights over the man out on the farm?

Mr. WARD. It gives them the right to make of their land a Federal reservation.

Mr. ASWELL. Would he not be limited in his shooting the same as the outsider would?

Mr. WARD. You can not limit the man, Doctor, that is right there on the spot all the time dealing with his own land, like you can the other man who comes from a distance. And besides that, he has another object in his shooting from that of the native; he wants to get his shooting privileges sanctioned by the Government, protected by the Government, strengthened by the Government, and hallowed by a circle of immunity and protection that nobody else in the world has got. But that sounds like I am mad with him when I am not; I am in favor of an Audubon law. North Carolina has had an Audubon law and has taken pride especially in trying to enforce it, and it put me for seven years and a half in the courthouses of the district and at this very spot that I am talking about, to enforce their law, and I know for that reason how the people are willing to obey a reasonable law; how they do obey it, but on the other hand—

Mr. McLAUGHLIN of Michigan (interposing). Would not the payment of a dollar fee and the acquisition of a license by one of these individuals who wishes to hunt on this land you are speaking about give him all the rights he wishes—all the rights he ought to have?

Mr. WARD. Can everybody get that license?

Mr. McLAUGHLIN of Michigan. Every man that has the price.

Mr. WARD. I said there was a great deal that was not written in this bill, and there is something right there now.

Mr. CLARKE. Just why?

Mr. WARD. I say it is not written in. You fix it so that a man has got to have a license, and you have got to throw around the issuance of the license some sort of discretion about issuing it, and you will find that in issuing it there is always a regulation.

Mr. WILLIAMS. He issues the license when he collects the dollar?

Mr. WARD. I know on the face of the law it looks very simple.

Mr. McLAUGHLIN of Michigan. I suppose regulations would be issued and enforced under this license, and anyone who wishes a license would have to conform with those regulations.

Mr. WARD. That regulation business is the trouble behind this bill. When you come to putting into the hands of a regulating bureau the power to prescribe regulations that you yourself can not prescribe, that Congress does not definitely prescribe, then you are putting into the hands of a bureau the power to control the entire administration of the law.

Mr. TINCHER. This bill does prescribe it. He can go to his nearest postmaster, give him a dollar, and get a license. That is a provision of the bill.

Mr. WARD. Well, sir, what advantage except the protection of the migratory birds can the whole thing be? I am willing to help you protect the migratory birds.

Mr. TINCHER. I do not want to discuss the migratory bird law when a man complains of the fact that the natives where the migratory bird goes for the winter can not sell the migratory birds that he has killed. I do not want to discuss the migratory bird law with a man that has that view of it. Just as sure as you let the native where the bird is forced to go for the winter sell that bird that he is willing to go out and kill on the water by the dozen with his double-barrel gun, you are against the migratory bird law.

Mr. WARD. No; there is a misunderstanding between you and me, Mr. Tinch.

Mr. TINCHER. I understood you wanted the native to sell the birds.

Mr. WARD. I did not say that.

Mr. TINCHER. For groceries and sugar.

Mr. WARD. All I said was that it would seem that having done that you hadn't done enough. Now, that is all I said. There is nothing in that to incur your resentment as a defendant of the migratory bird act. I told you—and it is your duty to accept it from me as well as it is mine to accept your statement from you—that I favored and had been there as an officer of the State helping to enforce migratory bird laws, but I said that having done that much it would seem to me that it had gone as far as the law ought to go for his protection. That is what I said.

Mr. TINCHER. Do you approve the treaty? Are you for the treaty, the migratory bird treaty?

Mr. WARD. I have no disposition to try to repeal it.

Mr. TINCHER. Do you approve of it? Do you want the Government then in the face of that treaty, that treaty having been adopted, do you want this Government to adopt a law carrying out the policies of the treaty and the theories of the treaty, or do you want that left to the States?

Mr. WARD. Just as far as the treaty by its expressed language authorizes and directs the executive authority of this Government to enforce it, I am willing for them to do it, but I ask that they go no further, and now I ask you if you find anything in the treaty that makes the enactment of this law necessary to its enforcement?

Mr. TINCHER. This or some other law. The treaty, I take it you might compare it to a constitution—

The CHAIRMAN (interposing). Your five minutes are up.

Mr. TINCHER. All right. I am glad of it.

Mr. WARD. Yes; I presume the gentleman may be glad of it.

Mr. TINCHER. Mr. Chairman, I ask that the gentleman have leave to insert in the record any further remarks that he desires to make on this subject.

Mr. CLARKE. I second the motion.

Mr. WARD. May I say, please, before I sit down that Mr. Moore, of Virginia, has expressed a desire to speak on this bill and I would very much like to have the committee give Mr. Free, of California, an opportunity to speak here, and I think also Mr. Logan, of South Carolina, would like to appear.

Mr. WILLIAMS. Does Judge Moore, of Virginia, desire to come before the committee?

Mr. WARD. He did not say so, because he could not come.

Mr. WILLIAMS. I for one would be glad to hear him.

Mr. WARD. Judge Moore, I think, is interested in the matter.

Mr. McLAUGHLIN of Michigan. In revising your statement I wish for my benefit you would make a little clearer how it is the owner of the land there, these idlers, acquires title to the waters, they being tidewaters. I am not asking you to take the time now, but when you amplify your remarks.

Mr. WARD. I did not say he did, but I said he acquired access to them, which gave him the same benefits as though he had ownership of them.

(Statement submitted by Mr. Ward, of North Carolina:)

"I stated in a hurried, interrupted, and therefore a confused way, objections to the Anthony bill, bearing on the unwisdom and the absence of necessity of further restrictions upon the native citizen to his right to shoot in his native waters, and will not repeat them. I call attention of the committee to the inference I draw from the bill that a reservation acquired by the Federal Government would supersede any right of the State to impose a tax or prescribe other regulations within the limits of that reservation.

"Practically all of the available shooting grounds of Currituck Sound can be acquired by the Federal Government under this bill from sources other than and independently of the natives. The State has passed a law prescribing regulations and imposing a tax and is applying that tax to the construction and maintenance of roads

and highways on adjacent highlands, and credits—whether in the form of bonds or otherwise I do not know—to a large amount have been extended on the faith of the resources accruing, or to accrue, from this law.

"Section 10 of the bill is to me extremely difficult to understand. The Secretary of Agriculture is "authorized to purchase or rent." I presume he must buy or rent from the man who owns, but his contract with the owner is dependent as to its acceptance or approval upon the will of the legislature to his acquiring. If the Congress can say that I can not sell my shooting ground to the Government, without the legislature of my State approving it, I do not see why it could not say the same as to my home. This section seems to require the acquisition by the Secretary of the reservation area and the laying of the map of it before the legislature before the deed for the land can be accepted.

"I do not understand just how the Secretary can proceed under that act, unless it means the Secretary first goes to the North Carolina Legislature and gets its consent to acquire a reservation in Currituck Sound. With such indefiniteness as that, I should think the legislature would hesitate. If the Secretary defined his reservation, it would be upon the assumption that he could buy or rent thereafter. I wonder if the legislative grant would be revocable by the act of a subsequent legislature if none of the lands had been acquired by advance payments involving vested rights; or suppose they were all acquired by gift. When Chief Justice Marshall, and what little there was besides him of the Supreme Court, held the Yazoo claim irrevocable by a subsequent legislature of the State of Georgia, he put it exclusively on the ground that the purchase money had been paid and the property right vested, and all the subsequent cases along that line take that ground exclusively.

"I am writing too much—more than you will read. I notice the bill carries the delightful, modern, American penal-law beatitude of allowing an officer to arrest without warrant for a misdemeanor, and search every nook and corner, even the oratory where nothing but the family Bible is kept and which is reserved for silent worship and prayer. It is certain that people are tired of this kind of legislation, and yet it is necessary, I admit, for the enforcement of all such laws."

The CHAIRMAN. We will now hear Mr. Riggs.

STATEMENT OF MR. THOMAS RIGGS, REPRESENTING THE ALASKA FISH AND GAME CLUB.

Mr. RIGGS. Mr. Chairman and gentlemen, I am a member of the Alaska Fish and Game Club and former governor of Alaska. I live in the country where we grow the game—the migratory birds—for the benefit of the States. We are not very often considered in game matters, and we have most inefficiently administered Federal game laws.

I would ask the committee in framing this bill to take into consideration that no game refuge or preserve of any kind be acquired without the consent of the legislature of the State or Territory, inserting the word "Territory" for the reason that we are now suffering under certain bird reserves which are not warranted in fact. We have one reserve of 40,000 square miles to protect the nesting grounds of the Emperor goose. The Emperor goose does not come south of the Aleutian Islands. He leaves the ground in the fall and returns in the spring; so he is protected under the migratory bird law.

We have another reservation which is withdrawn from entry or occupancy of any kind—valuable ground, of 50,000 square miles. I believe the principal reason for that is to protect the some 51 different species of ptarmigan.

It seems to me that in framing any bill that there should be a restriction on the amount of public lands that could be set aside for the use of bird reserves. I believe in limited bird areas. I do not, Mr. Chairman, believe in the Federal administration of them. The Federal administration, when it comes to the administrative body, almost always breaks down. I can not speak of how it is in the States, but I know that in Alaska, where a Federal bureau is administrative, it is not proper or decent administration. There is always an excuse for that, but nevertheless that fact remains.

Mr. BURNHAM. Mr. Riggs, may I say a word? There is not a line in this bill that gives the right to take 1 acre from the public domain.

Mr. RIGGS. I am asking for a limitation on that because that right already exists to take from the public domain.

Mr. BURNHAM. Not under this bill.

Mr. RIGGS. Not under this bill, but under present law. I am asking for limitations so we may not have 80,000 square miles set aside for the use of birds only, and which, as you who have been in Alaska know, is very wrong.

48 MIGRATORY BIRD REFUGES AND PUBLIC SHOOTING GROUNDS.

Mr. BURNHAM. I am not opposed to your general proposition, but the point of it is that this bill has nothing to do with that subject.

Mr. RIGGS. This bill has not. I am asking for a limitation to be put into the bill, because we are suffering from overreservation in Alaska, and in considering any bill for the protection of game it is very seldom that the far outlying places are considered. I think that the opinion of the representative game and fish clubs of the United States, of the Western States, should be procured before there is any snap judgment given on the merits of any bill.

Personally I do not like to see the police powers of a State delegated to Federal authority. We have seen that that is not absolutely satisfactory. We see that in the prohibition law, and we have seen, as Mr. Ward has shown, that it can be evaded in North Carolina.

Mr. KINCHELOE. This bill provides that no conveyance shall be made to the Government without the approval of the various State legislatures.

Mr. RIGGS. The public lands are not in private ownership and so do not have to be conveyed, and the word "Territory" is not inserted in there; it merely says "States."

Mr. JONES. In connection with what the gentleman is stating I wish to call attention to section 13, which bears out his construction. Section 13 says:

"Sec. 13. That no person shall take, hunt, pursue, shoot, capture, trap, snare, kill, disturb, or attempt to take, hunt, pursue, shoot, capture, trap, snare, kill, or disturb any fish, wild animal, or wild bird, or collect, destroy, or disturb any nest or egg of any such bird on any land, water, or land and water of the United States which heretofore has been or which hereafter may be set apart or reserved as a public shooting ground or bird or game refuge under this act, any other law, proclamation, or Executive order, or disturb, injure, or destroy any notice, signboard, fence, building, or other property of the United States thereon, or cut, burn, or destroy any timber, grass, or other natural growth thereon, or enter thereon for any purpose, except in accordance with rules and regulations which the Secretary of Agriculture is hereby authorized and directed to make."

That also confirms the construction taken by Mr. Ward on the Secretary's right to issue any kind of rules and regulations.

Mr. BURNHAM. You should refer to section 6, which shows how these lands are acquired.

Mr. JONES. This is not limited by this law. It says this act or any other law or proclamation, and here is a threat here that some other proclamation may be issued if we do not pass this law.

Mr. BURNHAM. This bill itself is not increasing the area of land.

Mr. KINCHELOE. In section 10 this bill says:

"That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the area lies shall have consented to the acquisition of such area by the United States."

Now, if you make it read "until the legislature of the State or Territory," would that cover the defect?

Mr. RIGGS. That would not cover the defect. You should say "should be acquired." You could set aside every bit of public land remaining in the United States as a bird reserve.

The CHAIRMAN. The timekeeper reminds me that your five minutes is up.

Mr. RIGGS. I thank you.

A VOICE. With your permission, Mr. Chairman, I will file my statement and not take up the time of the committee.

The CHAIRMAN. Without objection, it is so ordered.

Mr. BURNHAM. We have about 15 witnesses who have come from considerable distances, and we would like to get through quickly with these witnesses if possible. I will now call on Mr. Gilbert Pearson, president of the National Association of Audubon Societies.

STATEMENT OF MR. T. GILBERT PEARSON, 1974 BROADWAY, NEW YORK CITY, PRESIDENT OF THE NATIONAL ASSOCIATION OF AUDUBON SOCIETIES.

Mr. PEARSON. Mr. Chairman and gentlemen, I am president of the National Association of Audubon Societies for the protection of wild birds and animals. I am also a member of the national advisory committee on the regulations of the Federal treaty act. As further identification I may say that I was active in the organization of the Audubon Society of North Carolina and the author of the Audubon laws

which Mr. Ward so admirably enforced in Currituck County for so many years. I would like to say just a word on the subject of Federal bird reservations as they exist to-day.

It was the activity of our association that resulted originally in establishing the principle of having United States bird reservations created by Executive order when Col. Roosevelt was President. Up to the present time 72 of these have been created by Executive order throughout the country. Some of them are very small. Mr. Riggs referred to one in the Delta Yukon territory, about the size of the State of Connecticut.

For the first six years after these reservations began to be formed there was no Government fund available and some of us in the Audubon Society spent our time begging to have wardens on these reservations, and from that time up to very recently we have contributed annually money for patrol boats, etc., to help safeguard as many of these reservations as possible. We therefore are greatly interested in the reservation asked for.

This work through the years has demonstrated that birds may be protected and very greatly increased by giving them sanctuaries, by giving them cities of refuge where they are undisturbed. At many places where birds are protected, wild ducks, for example, have come to this part of the country and it was difficult to get within rifle range of them; when you get to some of the reservations in Florida where they are absolutely protected you can simply throw out food for them and they will come up and swim around within 10 or 15 feet of you. I have photographs of them taking food out of a man's hand. They stay there if they are protected.

Mr. KINCHELOE. That is true of Oakland, Calif., too.

Mr. PEARSON. Yes; that is a famous place for ducks at Oakland. They come there in great numbers.

Mr. ASWELL. And in Louisiana.

Mr. PEARSON. Also in Louisiana. I am very familiar with the reservations there. We are anxious to see the idea of Federal reservations extended throughout the country. This is not the scheme, gentlemen, of any group of aristocrats to protect their local shooting conditions at all; the so-called aristocrats are taking up large territories as shooting preserves, but this is more of a movement, so far as the relationship between the local man and the rich northerner is concerned, to save some places that can not be taken up by the wealthy group and to keep them for local men as public shooting grounds.

Through the rice field country of South Carolina, where I have traveled studying this subject, I find more and more every year in the 20 years I have been engaged in this work, more and more those rice fields have been taken up by northern hunters. That is the case along the North Carolina coast, with which I am very familiar. There are many areas that are immediately available.

I have just come back from three weeks in south Texas, and on one of the great ranches there I found one of the most wonderful places for wild fowl ever seen, about 150,000 acres. By the way, I found there four specimens of the rare whooping crane, that come there every winter from their breeding grounds in north Canada. There are immense numbers of geese there, and they do not feed on the water; they need on the open prairies, and at very slight expense the Government could undoubtedly secure control of that vast territory to make a refuge, setting aside a certain portion of it perhaps for local hunters.

We are interested in the reservation aspect of this matter particularly.

Mr. BURNHAM. I would like to introduce next Mr. Carlos Avery, game commissioner of Minnesota.

STATEMENT OF MR. CARLOS AVERY, ST. PAUL, MINN., GAME COMMISSIONER OF MINNESOTA.

Mr. AVERY. Mr. Chairman and gentlemen of the committee, I will try not to repeat any arguments that have been made by the proponents of the bill, in order to save time. I merely want to second those arguments and say that we agree in Minnesota with those arguments which have been here presented favorable to this measure.

So far as I have been able to find, the sentiment is practically unanimous in Minnesota in favor of this legislation, that expression having come particularly from those who will be affected by it—that is, those who will be expected to pay this license fee; therefore we feel confident in saying that the State stands for this bill.

I wish to call attention to one or two points which have not been touched upon by the speakers heretofore: One is the tremendous value of the migratory birds as a national asset. In Minnesota we have for a number of years been following the sys-

tem of ascertaining the quantity of game killed by hunters, and thereby learning something of its value. For three years we have had a statute in effect which requires every hunter in the State who takes out a license to kill game to make a report on the game taken under his license, and we find that during the past three years we have shot in Minnesota over 5,000,000 migratory game birds. That is an average of 1,700,000 birds a year. They are chiefly ducks, some geese, a few shore birds, but mostly wild ducks.

It is impossible, of course, to arrive at the actual or accurate value in money of this game, but it seems to me safe to say that the wild game birds that we take are at least worth a dollar apiece. We could sell them for more than that, and they have other values besides their money value. So it seems a conservative estimate. If they are worth a dollar apiece, we are collecting \$1,700,000 worth of income from our migratory birds in Minnesota alone each year. That is only one State of the Union.

Mr. WARD. Would it interrupt you for me to ask you about that sale of birds? Where do you sell them?

Mr. AVERY. They are not sold. I am merely stating that that would be the value if they were sold.

Mr. ASWELL. If your State kills a million seven hundred thousand every year, there are not many migratory birds get by Minnesota, are there?

Mr. AVERY. You are from Louisiana, and you know that a great many do get by. The fact is there are a great many more of these birds than most of us realize, notwithstanding the fact that they have been reduced tremendously in the past years.

Mr. McLAUGHLIN of Michigan. You have a number of privately owned breeding grounds and shooting grounds and waters in Minnesota owned by clubs and so on?

Mr. AVERY. Not to any great extent.

Mr. McLAUGHLIN of Michigan. But you have some?

Mr. AVERY. We have some under lease for shooting purposes.

Mr. McLAUGHLIN of Michigan. Are licenses required from the State by the owners or members of those clubs?

Mr. AVERY. Certainly.

Mr. McLAUGHLIN of Michigan. The same as individuals entirely outside of those clubs?

Mr. AVERY. Certainly.

Mr. McLAUGHLIN of Michigan. And do all the regulations and restrictions apply alike to those what we might call "private grounds" that apply to other grounds and waters throughout Minnesota?

Mr. AVERY. They do. And I want to say this, that Minnesota stands for thorough cooperation with the Federal Government in the administration of the migratory-bird treaty act; in fact, our State law conforms in every respect with the Federal law for the regulation of the shooting of migratory birds.

The CHAIRMAN. Are the private grounds thrown open to the public? Can anybody holding a license go in and hunt?

Mr. AVERY. Not on lands owned, controlled, or leased by clubs.

The CHAIRMAN. That gives them absolute control over those lands?

Mr. AVERY. Yes; and that is one reason which has been elaborated before, and I did not intend to speak of that, that we favor this bill, because it will provide more places for the public to shoot.

Mr. McLAUGHLIN of Michigan. I do not know whether this is a good place to interrupt you, or whether you object to interruptions.

Mr. AVERY. No, indeed.

Mr. McLAUGHLIN of Michigan. It has been suggested that this law be limited forbidding regulations which would not permit the owner of the land to shoot on his own land. Would that restriction limit the rights and privileges of clubs on their own lands?

Mr. AVERY. It would not permit them to shoot without license on their club property.

Mr. McLAUGHLIN of Michigan. Well, this is proposed to exempt those from the necessity of taking out licenses.

Mr. AVERY. I think not.

Mr. McLAUGHLIN of Michigan. The owners of the land themselves.

Mr. AVERY. I do not think that is the intention. As I understood the remarks it was only intended to apply to farms.

Mr. CLAGUE. I wish you would explain the Minnesota law on that.

Mr. AVERY. The Minnesota law has a provision—

Mr. McLAUGHLIN of Michigan (interposing). Would it be right to write into the law a privilege extended to one that is not to be enjoyed by another?

Mr. AVERY. It would be a general privilege enjoyed by all actual landowners residing upon their lands. We have that provision in the Minnesota State law and it is a satisfactory provision.

Mr. KINCHELOE. In this land owned by the clubs; they do not live on that land, do they?

Mr. AVERY. Certainly not. It would not apply to that.

Mr. McLAUGHLIN of Michigan. I was a little confused about this matter. Where you are going to extend the privilege to the owner of land I was wondering if you would not necessarily have to extend the privilege to a corporation, an artificial individual, the same as you would extend it to a natural person?

Mr. AVERY. Our State law does this: It extends that privilege to the actual farmer, the man living and making his home upon the land. He has the right to shoot upon that land on which he lives, on which he makes his home, without a license; and the members of his immediate family have that privilege, but that is as far as it goes.

Mr. CLAGUE. Do you think that would make much difference if we put in that exemption? It would not make much difference with the income of this law?

Mr. AVERY. I think not, because men who shoot migratory birds seldom confine their shooting to their own property. I do not think it would have any effect.

Mr. TINCHER. Where the State law permits a man to shoot on his own land without a State license and we permit him to shoot on the same land without this license, it doesn't seem to me it would make much difference.

Mr. AVERY. No, sir. Now, just to go a bit further in the matter of the value of this game, I said that the value would approximate \$1,700,000 a year income to our State of Minnesota alone from the toll of migratory birds. That would be at the rate of 6 per cent on the capital investment of \$28,000,000. You can apply that to the whole country and see what a tremendous national asset the migration birds are.

Now, just a word about the matter of drainage. It has been referred to, the matter of drainage in Minnesota. I want to say here that there is no disposition on the part of myself or upon the part of sportsmen of Minnesota to interfere or to place any possible handicap on legitimate drainage. That should be definitely understood at the outset.

The CHAIRMAN. What do you mean by "drainage?" How do you define that?

Mr. AVERY. Drainage that is of some value.

Mr. McLAUGHLIN of Michigan. That would be entirely in the judgment of the Secretary of Agriculture or the persons who are to execute this law.

Mr. AVERY. I merely make that statement to illustrate what our attitude is toward the subject.

The CHAIRMAN. I think that should be made absolutely clear.

Mr. AVERY. According to our drainage engineer we had originally something like 14,000,000 acres of marsh or swamp lands in Minnesota. All of those lands except in the unsettled sections of the State have been either wholly or partially drained—nearly all—and inevitably there have been instances where the drainage has not resulted in enough benefit to warrant the expenditure. Further than that, hundreds of our meandered lakes, public waters, have been drained and destroyed in Minnesota, which is contrary to law as interpreted by our Supreme Court.

Nobody has taken enough interest in it to prevent it, and for that reason damage has been done by drainage. Now, how far this measure would go to make use of or restore to the use of waterfowl any lands which have been drained and have not proven useful for agriculture I am not here to say, because we have not conducted a survey to find that out, but we think that we can find some such instances. Public drainage in Minnesota has been a great enterprise and has cost upward of forty or fifty million dollars, besides all the private drainage that has been carried on. It has been considered necessary to open up wet lands to agriculture, and it has been necessary in the northwestern part of the State, where great areas which were formerly valuable breeding grounds for waterfowl have been destroyed for that purpose. Some of them have been subsequently used for agriculture and some have not. Whether they can be used or not is a question.

Mr. McLAUGHLIN of Michigan. Your game law works satisfactorily in Michigan?

Mr. AVERY. I think it does; yes, sir.

Mr. McLAUGHLIN of Michigan. Do you think the people up there would welcome the coming of a large number of Federal employees to help them or to interfere with them?

Mr. AVERY. We would certainly welcome them, because we are unable to employ as many as we need of our own. We would welcome them.

The CHAIRMAN. Under the law and proposed legislation would the hunting licensee be permitted to hunt wherever he pleased on any man's property?

Mr. AVERY. On private lands?

The CHAIRMAN. Yes.

Mr. AVERY. Our law provides that any man can prevent hunting on his land by posting it.

The CHAIRMAN. Under the proposed law and regulations, what would be the result?

Mr. AVERY. It would be the same.

The CHAIRMAN. Would that not be subject to rules and regulations promulgated?

Mr. AVERY. They can not supersede the trespass law of the State.

The CHAIRMAN. Then how are they excluded, then, from the land owned by private clubs?

Mr. AVERY. Because it is the right of the land holder or owner in Minnesota to post his land against hunting by others than himself.

Mr. TINCHER. In other words, you mean that this dollar license would not give a man the right to hunt any place except he had the right to hunt there anyhow?

Mr. AVERY. Yes, sir. Mr. Chairman, now on this drainage proposition I want to insert here the statement that my understanding of this bill is it does not give the Federal Government any power to interfere with any private or State right with reference to drainage or the power to exercise over any private property or State property any rights with reference to drainage, and I want it clearly understood here that it is not the purpose to build these dikes that have been suggested.

Mr. McLAUGHLIN of Michigan. This would give the Federal Government the right, with the consent of the State, to acquire land and drain it. If in draining the lands there was any injury to private rights, to private property, the Government, then, would have to compensate the one injured.

Mr. WARD of North Carolina. May I ask you a question in that connection for the purpose of clearing up that idea? What would be the right of the State to acquire lands already taken in a reservation here? The question of drainage is a State matter, you know; suppose a State wanted to acquire—suppose adjacent owners wanted to drain some lands on which this reservation had been made; that would stop the work, would it not?

Mr. TINCHER. There is nothing in this bill that treats on that subject at all. It has not anything to do with the subject of drainage. Every witness is bound to insert some new proposition, but this is not a drainage bill; it has nothing to do with drainage.

Mr. BURNHAM. Under this bill, though, this fact should be understood: The Federal Government can not acquire title to land in any State without permission of the legislature of that State. That is embodied in this bill.

Mr. WARD of North Carolina. That is why I said this reference was not to title but to easement. In my remarks I said it was not a question of title but of easement. Now I say, suppose the Federal Government has got an easement supervening, how would the State proceed to condemn lands for drainage purposes?

Mr. BURNHAM. Mr. Chairman, our next speaker is Hon. John M. Phillips, one of the game commissioners of the State of Pennsylvania. Mr. Phillips served 17 years and is one of the oldest game commissioners in the country, and he served without salary in Pennsylvania under their law. For 15 years he has had experience with these public shooting grounds and game refuges.

The CHAIRMAN. We will be pleased to hear from you, Mr. Phillips.

STATEMENT OF JOHN M. PHILLIPS, PITTSBURGH, PA., STATE GAME COMMISSIONER.

Mr. PHILLIPS. Mr. Chairman and gentlemen, I am simply an iron and steel man from Pittsburgh. If my friends knew I was here to advocate a tax upon the sportsmen of the country for the general benefit, they would be very much surprised, and what for? To give our poor man—I have heard the poor man mentioned here to-day—a public hunting ground. We in Pennsylvania have had considerable experience with this thing. We have established 40 of these sanctuaries. We have 20 of them on State lands. Our State owns 1,000,000 acres of land. Some years ago we found that the farms were being posted and our game was disappearing, and we lit on the idea of going into State lands and establishing game sanctuaries. In some counties we had 50,000 acres and again down as low as 9,000 acres of land, and on this land owned by the State we laid out about 3,000 acres of game sanctuaries.

We cut a fire line around it and we assisted in taking care of it, first keeping the fires out and then putting a keeper on that land. Then we purchased deer from Michigan and different States. We bought wild turkeys; we even got snowshoe rabbits from Maine, and we stocked this land, and to-day, gentlemen, we have 40 of those game sanctuaries, and in 1907 we killed in Pennsylvania 200 deer and 500 bear. This year

we killed 510 bear and 5,000 buck deer. That shows what can be done. Now the question of the poor man has been brought up.

Mr. JONES. Would you mind an interruption there?

Mr. PHILLIPS. No, sir.

Mr. JONES. Just on that point, you fellows are getting along mighty fine up there. Aren't you afraid it will interfere some if the National Government proceeds to take charge of a lot of this?

Mr. PHILLIPS. If the National Government comes in there we will welcome them. They are going to take up 500,000 acres of land on the headwaters of the Allegheny River.

Mr. JONES. The National Government is?

Mr. PHILLIPS. Yes; and we welcome them. But what I want to say to you is this, that we look after the welfare of this poor man. Now, the poor man, in a measure, gentlemen, that owns a shotgun can buy a box of shells and has a dog that is worth \$100—if you went to buy it from him you would find it would cost at least \$100—that man has the privilege of the nobility of Europe, and were he in any other country he would be considered a rich man. We often speak of the poor man. That means a tramp, but we have no men of that sort in America.

And I want to say to you this, that we here to-day are trying to perpetuate the sport of hunting; we are cheating the hospitals and we are training the finest body of soldiers in the world. Look at the history of the Twenty-eighth Regiment in France. Their colonel said to me: "I was surprised, our boys shot those Germans mostly through the head." I said, "That is not surprising, Colonel"—that was Col. Kohler. I said, "They are trained in Pennsylvania to look for horns on a deer and when they shot him they usually got him on the run." "Oh," he said, "that accounts for it." I believe some of those Germans that were shot through the head, when they were dragged out of the trenches had hoofs on them. Now, that, gentlemen, is what we are doing, and we ask the Government to do the same thing.

Mr. ASWELL. Have you permanent authority to maintain these reserves on the State property?

Mr. PHILLIPS. Yes, sir.

Mr. ASWELL. By State law?

Mr. PHILLIPS. Yes. In addition to that, we are—

Mr. ASWELL (interposing). Suppose the State disposes of some of these lands?

Mr. PHILLIPS. They can never sell that land. It is only \$2.50 an acre. Nobody wants it.

Mr. McLAUGHLIN of Michigan. Why do you say the Government is going to acquire 500,000 acres in one portion of your State?

Mr. PHILLIPS. To preserve, to bring back timber and preserve our water.

Mr. McLAUGHLIN of Michigan. Under what law?

Mr. PHILLIPS. Under the Federal law, the Appalachian system, the forest reserve system.

Mr. KINCHELOE. Under the Weeks law?

Mr. McLAUGHLIN of Michigan. Under the Weeks Act?

Mr. PHILLIPS. Yes.

Mr. McLAUGHLIN of Michigan. That law has expired, and no appropriation can be made under that law for the purchase of any land anywhere.

Mr. PHILLIPS. I am very sorry to hear it, sir.

Mr. McLAUGHLIN of Michigan. Well, a great many are, but that is a fact. There is a bill pending before this committee now to extend the life of the law, or revive it, but until action by this committee and approval by the Congress, if we should make favorable report on it, there will be no authority and no money for the purchase of any land under what was the Weeks Act or anything like it.

Mr. CLARKE. They have already purchased some acreage in Pennsylvania?

Mr. PHILLIPS. I think at least they are surveying up there now.

Mr. McLAUGHLIN of Michigan. It may be they have a little money left in the fund, but there will be no further appropriation under that act.

Mr. TINCHER. Did you buy \$10,000 worth of cotton-tail rabbits recently from Hutchinson, Kans?

Mr. PHILLIPS. We spent more than that—sixty or seventy thousand dollars.

Mr. TINCHER. I had a letter from a man recently who shipped \$10,000 worth of cotton-tail rabbits this winter to Pennsylvania.

Mr. PHILLIPS. Five years ago we had 262,000 licensed hunters, but we had so much game that the country boy could shoot game and could go out and take out a dollar license. We find that although we give them 10 weeks hunting, the average time put in was 46 days. To-day, or this year, we sold 416,000 licenses. The farmers are exempt, 200,000 farms. We have between six and seven hundred thousand hunters

in Pennsylvania and they kill \$5,000,000 worth of meat, catch \$3,000,000 worth of furs, and it costs us about half a million dollars to run that organization.

Mr. TINCHER. I was not joking about that. There is a man by the name of Beck at Hutchinson, Kans., who wrote me recently that he had shipped to some State department in Pennsylvania this year \$10,000 worth of cotton-tail rabbits.

Mr. PHILLIPS. Yes; somebody said that Pennsylvania gave permission to buy Indians and plant them up in the mountains. We have five or six hundred of them.

Mr. TINCHER. We could reasonably expect under this law three or four hundred thousand dollars out of Pennsylvania?

Mr. PHILLIPS. No; we are not expecting so much as that, although a few nights ago I was up in the Allegheny Mountains and a man up there told me the ducks are coming back on the top of the mountains. They were clear up on the mountains in the reservoirs. They are coming back all over the United States. There are 10 ducks now to where there was one seven or eight years ago.

Mr. JONES. Then your law is working pretty well as it is?

Mr. PHILLIPS. Well, in some places they are getting very careless because, you understand, the Federal Government has no wardens. I know I have been down South, and down on the East Coast of Virginia we find they are beginning to trap again. We need more wardens. But in this I can not understand why the question of wardens comes up. In every game sanctuary in Pennsylvania we have several keepers. Each one of them is looking after 3,000 acres. He kills vermin; feeds the game in winter time. That is where most of our money will go to, bringing back game all over the country.

In order to bring hunting close to our large centers of population we have purchased with our sportsman fund seven hunting grounds of from six to eight thousand acres and established sanctuaries therein, so that we now have hunting near our large towns for the hunter who can not spare the time or stand the expense to go far afield.

Mr. BURNHAM. I would like to introduce Mr. A. C. Baxter, chief of the fish and game division of the Ohio Department of Agriculture.

STATEMENT OF A. C. BAXTER, CHIEF OF THE DIVISION OF FISH AND GAME, AGRICULTURAL DEPARTMENT, OHIO.

Mr. BAXTER. Mr. Chairman and gentlemen of the committee, I come before you with the permission of the sportsmen of Ohio, and to make that statement clear to you I want to say that we have 88 counties in our State wherein there are one or more fish and game protective associations, which include a total of 120 organizations. Once a year at Columbus, the capital of Ohio, we hold a State convention wherein delegations of 5 to 15 members are sent from each one of these associations, and at which time we go over certain laws which are to be recommended for passage by the legislature.

This bill which you have before you now was taken up on the 13th of January of this year and unanimously indorsed by those present.

I want to say to you that in Ohio it is quite apparent that this bill, that this little dollar license fee which is required, is voluntary upon the part of the sportsman. It is not a tax; it is not listed as a tax among those men.

Now in answer to one remark made here by Mr. Ward to the effect that certain hunting grounds were being taken up, I want to say that there is not a foot of public shooting grounds in the State of Ohio that is taken up by private individuals. I am not going to give them the name of aristocrats either. They are good sportsmen, just the same as other sportsmen of the State, and I have been in conference with them a dozen times, and there is not a man a member of those clubs that is not willing that the State of Ohio should take those grounds over as public shooting grounds.

We are doing in Ohio just what they are attempting to do in this bill. We are doing it on a small scale. We have in our State in every county a game refuge tract of a thousand more or less acres, donated by the farmers in those sections.

Mr. McLAUGHLIN of Michigan. Has the State taken over any of those grounds as public shooting grounds?

Mr. BAXTER. I am just coming to that. Ohio, 10 or 12 years ago, was named as a gameless State in this Union. I want to say to you to-day that it is not a gameless State; we are bringing it back through the game refuge system, wherein these birds can breed unmolested. We are going further than that. I had the pleasure a month ago of having our governor in the saddle for a whole day going over 50,000 acres of land which is of no use other than for the purpose we intend it for. It is approved by the governor. We are going to purchase that 50,000 acres for public shooting grounds, because we know in Ohio that every day more and more the shooting grounds are being

closed to the public under the trespass act which we have in force. There is no place remaining hardly for a man to hunt in our State who buys his hunter's license. We have got to establish public hunting grounds just the same as the State of Pennsylvania has done.

I am here before you to recommend the passage of this bill. It is a good bill. Everybody in Ohio wants it. There is no objection, not a voice raised against it, and it should be passed.

Mr. ASWELL. Were there any farmers in that conference you speak of?

Mr. BAXTER. Yes, sir.

Mr. ASWELL. Were they all for it?

Mr. BAXTER. These organizations in Ohio comprise at least 25 per cent of the farmers in their respective districts.

Mr. ASWELL. And they are for it?

Mr. BAXTER. They are absolutely for it, because our law in Ohio gives the farmer, the land owner, the manager, owner or tenant of those lands the privilege to hunt upon his own grounds without a license.

Mr. McLAUGHLIN of Michigan. How do the clubs get licenses to hunt on the grounds of the club?

Mr. BAXTER. The laws in Ohio permit the manager, owner or tenant to hunt upon those grounds; therefore even a nonresident from Pennsylvania going into those marsh lands over which he has control is not required to take out a license.

Mr. McLAUGHLIN of Michigan. That is to individuals, but there must be large areas owned by clubs. How are licenses issued? Are they issued through the clubs or through their members? Is there one license issued to the club giving the privilege to every member in that club?

Mr. BAXTER. No, there are no licenses issued to clubs whatever. If they have an interest in or control the land they are not required to take out a license under the State law. I might say that there are 40,000 acres on the south shore of Lake Erie, 40,000 acres of private ground taken up by these clubs where nobody is allowed to take a gun.

Mr. BURHAM. I would like to introduce Prof. N. E. Simondsen, of Evanston, Ill.

STATEMENT OF MR. N. E. SIMONDSSEN, EVANSTON, ILL.

Mr. SIMONDSSEN. Mr. Chairman and members of the committee, I will have to state the relationship that I sustain to several associations in Illinois in order that the committee may understand the significance of the indorsements we will make of this bill.

I happen to be a member of a duck club in and about Chicago. I have been president of that club for 10 years, so I know the sentiment in the club. I am vice president of the Fish and Game Protective Association of the Illinois Valley, where we have a membership of about 800 hunters. I am also a member of the Illinois Game and Protective Association of Illinois. This association at its last meeting indorsed this bill, and the membership of this association comes from all parts of the State. The shooters in the club are mostly from Chicago. The membership of the Illinois Valley Protective Association are mostly from Chicago and from the small towns along the river. You understand this is on the Illinois River. We have favored this bill and the men that I in a way represent here to-day are, I think, without exception in favor of this bill. We have in a small way practiced the refuge for birds plan in our small club. We have 4,000 acres on the Illinois River, all of which is good shooting ground. We set aside a section of that for the purpose of giving the birds a sanctuary, and we find it a wise policy, because by doing so we have shooting.

Mr. ASWELL. Do the club members have to pay a license?

Mr. SIMONDSSEN. They pay a license, every member, and we are for enforcement of the State law and the Federal law.

Mr. ASWELL. How much license do they pay?

Mr. SIMONDSSEN. \$1. Further, more than that, we have set aside this section of land for a refuge. No man is allowed to trespass there; no man is allowed to shoot; no man is allowed to go in there. The keeper of the preserve goes in there to feed them when occasion arises. We not only keep the birds but we are the keepers of birds for the community. Our marsh is so located and so conditioned that when the birds get food there they stay until it freezes up, and this year we had shooting there on the 31st day of December. The birds are there still, thousands of them, mallards and geese. It so happens that the marsh or the lake in part is open, and of course they stay and I think will stay through the winter.

Now the matter of public shooting grounds is of great concern. We have had that experimented with in the State of Illinois. You know the great duck country is at

Grass Lake and Fox Lake. Three weeks ago the then game warden decided that he would put aside or set aside a section of Fox Lake for a game refuge and not allow anybody to trespass, and nobody was allowed to shoot, of course. That resulted in the collection of a large number of birds on those waters. They stayed there in good weather and when it was stormy they would fly around to the adjacent marshes, and the man who shot on the adjacent marshes got good shooting. This year, unfortunately—this last year—we had a change of game wardens and this marsh or this lake was opened to shooters two or three hours a day. The result was that after three days' shooting the birds departed from that lake and the men who shot on marshes around about fell back to the condition they were in before this refuge place was established. They deplored it, and we all know that it is necessary to have a refuge if we are to keep the birds throughout the season.

We also desire to have public shooting grounds. It is necessary, I think, to give men who are not members of the club an opportunity to shoot, but if we are to accomplish that purpose it will be necessary for us to man these shooting grounds with wardens, give them protection, because the violation of the rules by men who go there without any serious responsibility is something phenomenal. This year on Grass Lake one man was killed, just because that thing was thrown open and men went there. One man was killed and the man who killed him is now in the penitentiary.

Mr. BURNHAM. Your time is up, Mr. Simondsen. We have so many others here that we will have to limit the time.

Mr. WILLIAMS. Could I ask you just one question? What is the position of the Illinois State Game Department on this bill, do you know?

Mr. SIMONDSEN. They are favorable to it.

Mr. WILLIAMS. Do you know Mr. Stratton, the game commissioner?

Mr. SIMONDSEN. Yes, sir; very well.

Mr. ASWELL. In all these clubs that you represent do you represent any small land owners, any poor people, poor men that we talked about a while ago?

Mr. SIMONDSEN. I would not say that I represent them, but I know them.

Mr. ASWELL. But in these clubs?

Mr. SIMONDSEN. Yes; some of these clubs are composed in part of farmers. That does not happen to be the case in mine.

Mr. ASWELL. Small landowners?

Mr. SIMONDSEN. Yes, sir. And then another thing, may I say that when these clubs lease lands—we own our land—but when they lease lands they reserve the right to shoot on the property.

Mr. BURNHAM. Mr. Chairman, I am going to ask that the witnesses confine themselves to three minutes.

I am now going to call on Mr. M. D. Hart, secretary of the Virginia Game Commission.

STATEMENT OF MR. M. D. HART, SECRETARY OF THE VIRGINIA COMMISSION OF GAME AND INLAND FISHERIES.

Mr. HART. Mr. Chairman and gentlemen of the committee, I represent the "one-gallus" man down in Virginia [laughter], the man that is going to profit by these public shooting grounds.

I come from a State that is as strictly a State-rights State as you can find in this Union, but we people down there realize there are certain matters that are governmental matters and certain matters that are State matters, and we realize the fact that the protection of the migratory birds is so general in our State as to be a Federal Government office. We can not do it. What is the use of us taking care of birds in Virginia if they go back to their northern homes and are slaughtered? We have, as Mr. Ward says, one of the finest ducking grounds on the Atlantic coast line—in fact, the biggest. He mentioned Currituck Sound here. I wish he was in here; I want him to hear every word I say. I consider that the interest of Currituck Sound is absolutely opposed to the interest of the one-gallus man. Those people went to the North Carolina Legislature and had a bill passed that would cost any man in this room \$77 to go down there and shoot from a sinkbox.

He has got to pay a guide about \$25 a day; he has got to pay his hotel bill and his traveling expenses; and so far as I am individually concerned I would like to see Currituck Sound put into a national preserve or those people made to charge a non-resident license in comparison to what other States charge. I submit that the birds in Currituck Sound do not belong to the people of North Carolina; they happen to go there in the wintertime and those people have no right to pass a State law there, a non-resident law, which actually keeps the one-gallus man from hunting there, and I hope if we ever get this bill through that Dr. Nelson will look at that proposition.

Mr. ASWELL. What is your hunting license?

Mr. HART. We charge \$10 for a nonresident hunting license.

Mr. ASWELL. And how much for a native?

Mr. HART. Three dollars.

Mr. ASWELL. How much do you charge a man to hunt on his own land?

Mr. HART. We allow a farmer, a bona-fide farmer, to hunt on his own and adjoining land without paying any license.

Mr. ASWELL. What do you mean by "adjoining land"?

Mr. HART. That means land adjoining his property. Every club in Virginia, whether it is owned by a farmer or owned by a combination of men, they have to pay a license; they can not buy land there and hunt on that land as a club without paying this license. It is an individual matter. The president of the largest corporation in that State, owning I don't care how many acres of land, has to pay a license to hunt on his own corporate land.

And so far as Federal wardens are concerned, we can not get enough of them in Virginia. We wish there were more there.

Mr. JONES. Do you have a season limit on the number of birds they can shoot?

Mr. HART. Yes, sir; our laws conform strictly, so far as migratory game is concerned, to the Federal laws, and then we have a season bag limit on nonmigratory game. This bill does not touch nonmigratory game at all; it is not going to hurt our State, but I say that if this bill is passed it will mean that all States will prepare for public shooting grounds, and if we do not do it, gentlemen, the time is coming when the one-gallus man in the United States of America will have fired his last shot [laughter].

Mr. BURNHAM. Your time is up, Mr. Hart.

Mr. HART. I just want to bring up this point. This is the first time in the history of this committee, I believe, that you ever had men coming here asking to give you something. Generally they come here asking you to give them something. Now you have got men coming here asking you to allow them to give the United States Government a million dollars to protect this wild game. This is the first time this committee ever had somebody come here wanting to give them something.

Mr. BURNHAM. I will introduce Hon. Lee Miles of Little Rock, Ark., a game commissioner of Arkansas.

STATEMENT OF HON. LEE MILES, GAME COMMISSIONER, LITTLE ROCK, ARK.

Mr. MILES. Mr. Chairman and gentlemen of the committee, the Arkansas Game and Fish Commission has passed a resolution, which I think is part of the record here, favoring this bill. I have talked with a great many sportsmen of Arkansas, and all of them with whom I have talked favor this bill.

We have a great many public shooting grounds owned by private clubs in Arkansas, but there is yet left a great deal of that shooting territory that is not taken up by private clubs. In the southern part of Arkansas County is some of the best shooting territory in the State. There are possibly three places owned by private clubs, and I learned this fall that shooting would be good one day in one club and no shooting at all at another club, showing, if my conclusions are correct, that the ducks were chased from one club one day to another club the next day, and that makes it the more important that these ducks have a place where they can feed and rest without being disturbed.

We have in Arkansas only one place where the ducks are protected, and that is at Big Lake, under control of the Federal Government.

To show you how quickly the duck learns he is protected, you can see the ducks come into that sanctuary late in the afternoon so high that he is almost a speck and then getting over the territory he drops like a shot into the place he wants to go.

(The following letter from Mr. Miles was ordered to be incorporated in the hearing:)

HON. GILBERT N. HAUGEN,

*Chairman Committee on Agriculture,
House of Representatives.*

MY DEAR SIR: Permit me to thank you for the privilege of putting into the record in this hearing on H. R. 5823 some remarks to express the views of the Arkansas Game and Fish Commission, together with the sportsmen of that State, relative to the merits of this measure.

The purpose of this bill is to levy a tax of \$1 for the privilege of shooting migratory birds. Forty-five per cent of that fund will be used for purchasing public shooting grounds, also game preserves for the various States; 45 per cent of it will be used to defray the expenses of enforcing the law, and 10 per cent for administrative purposes.

Formerly we had many lakes and marshes scattered over the State of Arkansas where migratory birds could rest, feed, and breed undisturbed. There was good shooting in practically every county in the State, but the progress of civilization and the progress of agriculture has taken up so many of these places there is not now left sufficient sanctuaries for resting places where the birds can breed and feed undisturbed. Most of the best shooting places in Arkansas have been purchased by individuals or groups of individuals. I fear that within a few years more there will be practically no good shooting ground left open to the public, unless there is an effort on the part of some persons to accumulate a fund by law, as this bill proposes, by which we can purchase grounds for the public to shoot upon.

The condition that exists in many States now is one that permits the gunner to torment migratory birds every day through the open season so that they haven't sufficient time to feed nor the proper places to rest undisturbed.

I do not believe there is any objection on the part of the sportsman to paying this \$1, if he knows that by doing it it goes to perpetuate the sport he enjoys, and without paying it that sport he loves must come to an end. The question was raised before this committee if it would not be unjust for the man who has a private pond to pay the \$1 to shoot upon his private pond. Wherever you find such a man he would willingly pay the \$1 for the privilege of shooting, if without paying it he had no shooting at all. Any sportsman who is familiar with the rapid disappearance of migratory birds realizes that something must be done for protection of the birds. If these game preserves are purchased and policed as is intended by the provisions of this bill, it not only protects migratory birds but protects species of all game locally that may be fortunate enough to use these preserves as a rendezvous. It will be helpful to the local game by protecting it as well as migratory birds.

Public shooting grounds can be had in those areas visited by migratory birds, feed supplied to attract them, and then these birds return to a place where they know they are protected and where they may rest free from the chase of the gunner.

LEE MILES,
Member of Arkansas Game and Fish Commission.

Mr. BURNHAM. The next witness is Hon. Alva Clapp, game commissioner of Kansas

STATEMENT OF MR. ALVA CLAPP, GAME COMMISSIONER OF KANSAS.

Mr. CLAPP. Mr. Chairman and gentlemen of the committee, if you will permit me to say so, I really feel that this committee is unduly exercised over this matter. It really is not a very important matter. I am not a lawyer and do not know anything about the provisions of this bill, but the sportsmen of this country are simply coming before you gentlemen and asking you to place a tax on us and regulate this matter as a national affair, which we are not able to do individually and by ourselves.

Mr. ASWELL. That is an important matter, is it not?

Mr. CLAPP. It is an important matter from our standpoint. Now there are things that are too big for States to do and there are things that are too big for individuals to do. You remember the history of the malaria carrying mosquito? Is was no use for Mississippi to do away with these mosquitos, no use for them to destroy their mosquitos if Louisiana and Alabama did not do the same. So the Federal Government had to take hold of it.

In Kansas we had the tick from Texas that brought Texas fever up in our State. We could not regulate that thing. They would ship those cattle up there with the ticks on them and our cattle would become infected and die, and we had to ask the Government to take hold of that situation. Now we can put up the money to do this thing, gentlemen. It is not a big matter, but we can not make these regulations.

We are coming before you and asking you gentlemen to take hold of this thing. You realize that these ducks are migratory birds; they are here to-day and there to-morrow. The regulation that one State might make amounts to nothing, and here we have the spectacle of 42 States making 42 different kinds of regulations in regard to birds that move over all these States, and we have had this haphazard regulation and in it all our birds are being destroyed permanently.

Mr. JONES. Do you not think we have regulations enough if they are enforced?

Mr. CLAPP. Our regulations are all right, but for the very reason that these gentlemen have brought out, who have worked in these other States, we want to extend the idea; we have found that it is practical, that it will work, and we want to extend it, and we can not do it ourselves. That is the point of this thing.

In my State I got our legislature last year to pass a provision by which I could enter into an agreement with a farmer to make a game refuge. I can not buy any

land; I have no money, but I can enter into an agreement with this farmer to place his farm in my hands for five years to make a game refuge of it. That is all right for upland game, for quail, prairie chickens, grouse, and rabbits, but you can't do that with migratory birds, gentlemen; you have got to have the Government help us solve this problem; that is all there is to it.

Mr. BURNHAM. Gentlemen, we have six more witnesses here which we can not bring in, but we are going to ask Mr. William B. Greeley, of New York, to address you. Mr. Greeley represents the Campfire Club of America.

Mr. TINCHER. I suggest that the six men who do not have time to speak be permitted to furnish their names and file a short statement to go into the record.

STATEMENT OF MR. WILLIAM B. GREELEY, CHAIRMAN OF THE CAMPFIRE CLUB OF AMERICA, ALSO REPRESENTING THE NEW YORK STATE FISH, GAME, AND FOREST LEAGUE.

Mr. GREELEY. I am not going to attempt to supplement what has already been said, but I want to say in the beginning, in order that I may not be thought to be sailing under false colors, that I am not the chief forester; that is my distant and distinguished cousin, a man who bears the same name.

I represent the Campfire Club of America, an organization with a resident membership of about 350 and a nonresident membership scattered all over the country of about 100.

I am also permitted to represent the New York State Fish, Game, and Forest League, which is an association of the hunters' clubs of New York State, numbering in its aggregate membership many thousands. What I say to you gentlemen is a reflection of the sentiment, of the prevailing sentiment of that great number of sportsmen of New York State. They come to you gentlemen offering a contribution for a certain specific and definite purpose. They cheerfully make this contribution, this voluntary assessment of \$1 per head, solely for the purpose of preserving the wild life of this country, when they would not be willing that the proceeds of that voluntary assessment should be turned into the general Treasury of the country. They are willing, I know, from what they have said to me, they are willing to accept in this bill the amendment which has been suggested here, that the farmer, the bona fide farmer, living on his own land, shall have the right to hunt without the license. We have that same provision in our State of New York.

Mr. McLAUGHLIN of Michigan. Do you put that word "farmer" in the law?

Mr. GREELEY. Not the word "farmer," but the man—he is not named as "farmer," but the owner of the property.

Mr. JONES. Do you have any limitation on the amount of owned land that he may hunt on? For instance, if a man happens to own a great tract of land, does he have the liberty to hunt on it just the same?

Mr. GREELEY. He has the liberty to hunt anywhere on his own property just the same.

Mr. JONES. You do not have any limitation on that?

Mr. GREELEY. It is impractical to distinguish between the man who owns 1 acre and the man who owns 1,000 or 10,000 acres.

Mr. JONES. We have men in my section of the country who own five and six hundred thousand acres in ranches.

Mr. GREELEY. That is pretty big for New York State.

Mr. WILLIAMS. As a rule, very few people hunt migratory birds on their own land except members of clubs?

Mr. GREELEY. Very few. In some places along the Great Lakes there are clubs that own land.

Mr. WILLIAMS. That would not amount to anything.

Mr. GREELEY. Reference was made yesterday by some one. I do not remember who—some member of the committee—

Mr. BURNHAM (interposing). Some of the Rocky Mountain State game commissioners.

Mr. GREELEY (continuing). With reference to the use in section 13 of the bill of the words "fish and game animal," I know that the men whom I represent have no objection whatever to the striking out of those words from the bill.

Mr. BURNHAM. Making it apply simply to migratory birds?

Mr. GREELEY. Making it apply simply to migratory birds. Those words occur in section 13 of the bill, and we are perfectly willing to see them stricken out.

Mr. BURNHAM. Gentlemen, we thank you for the consideration afforded us.

The following letters and telegrams were submitted in accordance with the permission granted by the committee.

GAME AND FISH PROTECTIVE ASSOCIATION,
Vermillion, S. Dak., February 10, 1922.

Mr. HARRY J. LADUE,
St. Paul, Minn.

DEAR SIR: Your wire to Mr. Chapman was turned over to me to-day. In answer, wish to say that at our annual meeting at Huron on January 10 the delegates voted unanimously to indorse the public game refuge shooting grounds bill S. 1452. It was believed that the bill should be passed in the form introduced without any amendments tending to reduce its efficiency. Our organization comprises nearly 4,000 members and not one with whom I have talked is opposed. We did not feel at Huron that it was up to the several States to debate in any way how the funds were to be disposed of, so long as the 45:45:10 rate was preserved.

South Dakota in common with other States has seen its breeding grounds curtailed each year and we fervently hope that the Congress of the United States will take immediate action to perpetuate our hunting by passing this measure. Our State game warden does not hold with us on the bill, for purely political reasons we fear.

On behalf of the association, allow me to extend our sincerest best wishes to you and wish you the greatest possible success in helping to put this measure over.

Am exceedingly busy so can not go into more detail. Hope, however, this will fill your needs.

Very truly, yours,

W. C. TOEPELMAN,
Secretary-Treasurer.

Am writing each of Senators and Representatives on this matter to-day.

RESOLUTION ADOPTED BY THE MINNESOTA GAME PROTECTIVE LEAGUE IN CONVENTION
ASSEMBLED AT GULL LAKE ON JULY 15, 1921.

Whereas, millions of acres of swamp, marsh, and water areas, formerly used by wild fowl as breeding, feeding, and resting places have been drained on the theory that these areas were more valuable for agricultural purposes; and other operations now in contemplation, involve the drainage of millions of acres of similar areas, and Whereas, many of such areas, having been drained and destroyed as wild fowl resorts have proved to be utterly worthless for agricultural purposes, and

Whereas, our efforts to conserve the supply of wild fowl will be futile unless large areas of swamp, marsh, and water areas be set aside and perpetuated as homes for the birds without which the hunting privileges long enjoyed by sportsmen will be vitally affected if not wholly destroyed; now therefore be it

Resolved, That the Minnesota Game Protective League in annual convention assembled hereby urges the passage by the Congress of the United States of the bills S. 1452 and H. R. 5823, to establish shooting grounds for the public refuges for migratory birds, and requiring a Federal license to hunt them; and this league pledges its support to the American Game Protective Association to secure the passage of such legislation.

Resolved further, That copies of this resolution be sent to the Minnesota delegation in Congress, to Senator New of Indiana, Congressman Anthony of Kansas, and the American Game Protective Association.

STEELE, N. DAK., February 13, 1922.

HARRY J. LADUE,
Assistant Commissioner Minnesota Game and Fish Department, St. Paul, Minn.

North Dakota sportsmen favor public shooting grounds and game refuges.

GEO. M. HOGUE,
Secretary Game and Fish Commission.

DEVILS LAKE, N. DAK., February 11, 1922.

HARRY J. LA DUE,
Game and Fish Department, St. Paul, Minn.:

It is my opinion that sportsmen favor bill now before Congress.

J. H. BLOOM,
Game and Fish Commissioner.

MIGRATORY BIRD REFUGES AND PUBLIC SHOOTING GROUNDS. 61

FARGO, N. DAK., February 11, 1922.

HARRY J. LA DUE,

*Assistant Commissioner Minnesota Game and Fish Department,
St. Paul, Minn.*

I am in favor of public shooting bill now before Congress. I took the matter up several months ago with Senator Ladd and Representative Sinclair. Senator Ladd is on this committee and is in favor of it. Have talked with several sportsmen throughout the State and all were in favor.

C. E. MANNING,
President North Dakota Game and Fish Board.

(Mr. R. P. Holland submitted the following papers in accordance with the permission granted by the committee:)

EXTRACT FROM A LETTER FROM OTTO M. JONES, STATE GAME WARDEN OF IDAHO.

After due investigation, together with personal interviews with the authors and introducers of the Federal refuge and public shooting ground bill, known as House bill 5823, I consider it one of the greatest pieces of legislation that has been proposed or submitted for the consideration of our lawmakers since the introduction and passage of the Federal migratory bird treaty act, the results of which we now duly appreciate.

LETTER FROM GUSTAV J. T. MEYER, PRESIDENT INDIANA FISH, GAME, AND FOREST LEAGUE.

The Indiana Fish, Game and Forest League, after due consideration of H. R. 5823, S. 1452, has taken action favoring the passage of same in its original form, and will feel gratified if your committee will give said bill a favorable report.

EXTRACT FROM LETTER OF WILLIAM C. ADAMS, DIRECTOR DIVISION OF FISHERIES AND GAME, STATE OF MASSACHUSETTS.

I can only say that I am very familiar with public sentiment all through New England on this subject, and I can not impress on you too strongly that it is overwhelmingly in favor of the measure.

I also have very exceptional opportunities to be informed of the public sentiment throughout the United States, and I am satisfied that here again the sentiment among the sportsmen and conservationists is overwhelmingly in favor of this measure.

I hope that you will exhaust every means available to have this bill reported out.

EXTRACT FROM LETTER OF E. LEE LE COMPTE, MARYLAND STATE GAME WARDEN.

I am fully aware it is impossible for the United States Department of Agriculture to enforce the migratory bird treaty act with their present force of United States game wardens. I understand they have only 26 wardens scattered among the 48 States of this Union. By the enactment of this bill, which will require persons hunting migratory game to purchase a Federal hunting license at a nominal cost of \$1, sufficient funds will be derived to enable the bureau to increase its force and properly enforce the provisions of the migratory bird treaty act. Again, this bill if enacted into law would provide means whereby public shooting grounds could be established, and reserved areas set aside for the resting and feeding of the wild fowl, which is most essential.

When Congress enacted a law protecting migratory birds and prohibiting spring shooting, wild fowl throughout the country showed a decided increase. There can be no question of doubt but what the season of 1921 in this State as well as other States produced more wild fowl than in years past. Therefore I am heartily in favor of effective legislation whereby beneficial results can be obtained, and I am sure if H. R. 5823 becomes a law, it will never work a hardship on any person, and the sportsmen especially throughout the country will be greatly benefited.

62 MIGRATORY BIRD REFUGES AND PUBLIC SHOOTING GROUNDS.

NEW ORLEANS, LA., *February 15, 1922.*

JOHN B. BURNHAM,
*American Game Protective Association,
Woolworth Building, New York, N. Y.*

The State of Louisiana is in accord with the purposes of the bill, which will not only protect the game for future generations but provide sport for the sportsmen of to-day.

M. L. ALEXANDER,
Conservation Commissioner of Louisiana.

FEBRUARY 17, 1922.

I want it understood that West Virginia Game and Fish Commission, as well as sportsmen and those interested in outdoor life, heartily indorse this bill.

G. O. YOUNG,
Chairman West Virginia Fish and Game Commission.

(The following letters were submitted:)

CLEAR LAKE, IOWA, *October 27, 1921.*

HON. GILBERT N. HAUGEN,
Washington, D. C.

DEAR MR. HAUGEN: We wish to call your attention to House bill 5823, which is now before your committee. We most earnestly solicit your greatest endeavor to get this bill through, as we honestly believe that it is the finest bill in behalf of the sportsmen of the United States that has ever been introduced.

If there is not something of the kind done to protect the game of the United States it will be but a short time until the man of moderate means has no place to shoot and the game so depleted that it will be found only in the areas of exclusive clubs.

May we ask one more favor of you? Will you be so kind as to keep us informed as to what becomes of this bill?

Yours, for better and stronger laws, we wish to remain,

Very truly, yours,

W. H. & W. W. HOLLISTER,
By W. W. HOLLISTER.

MASON CITY, IOWA, *October 30, 1921.*

HON. G. N. HAUGEN, *Washington, D. C.*

DEAR SIR: I hereby urgently request that you support House bill 5823. We need legislation of this kind in order to insure the protection of game for generations to come. What will the next generations say if they have no place to go hunting? The lakes and sloughs must be preserved as breeding places for waterfowl or they, too, will become extinct.

Again I ask you to support this legislation at the proper time, and I am sure it will be appreciated by the sportsmen of the country.

Very truly, yours,

ANTON JEPPESEN

CHARLES CITY, IOWA, *November 15, 1921.*

HON. GILBERT N. HAUGEN,
House of Representatives, Washington, D. C.

DEAR SIR: Will appreciate very much any influence you may bring to bear on passage of House bill 5823; that is, public shooting ground game refuge bill.

Many of my friends are desirous of seeing this bill passed as it seems a logical method of game preservation.

Will you please give this matter your attention and support, which will indeed be very gratifying to members of the American Game and Protective Association.

Yours, sincerely,

R. W. STOBBER.

POSTVILLE, IOWA, *January 27, 1922.*

Hon. G. N. HAUGEN, M. C.,
Washington, D. C.

DEAR SIR: I wish to commend to your attention the public shooting ground game refuge bills (S. 1452; H. R. 5823). I am very much interested in the fate of this bill, which I feel is an important one and worthy of favorable consideration.

I will be very glad if you see fit to give this bill your support.

Respectfully,

H. D. COLE.

STATEMENT SUBMITTED BY R. E. FOLLETT, DIRECTOR DETROIT ZOOLOGICAL SOCIETY
AND FORMER STATE COMMISSIONER OF FISHERIES.

As far as I know the sentiment of the sportsmen of Michigan, it is unanimous in favor of this bill, owing to the fact that it will provide public shooting for water fowl, something that does not exist at the present time. As a matter of fact, clubs control practically all the duck shooting. I believe in club shooting, but I also believe the public should have the same opportunity, and the only way they can get it is by this measure. If it is the desire of the shooters to put this tax on themselves in order to provide the means for the purchase of public shooting grounds, their request should by all means be granted.

STATEMENT SUBMITTED BY CARL J. LOMEN, NOME, ALASKA.

I can see no way in which this bill can unfavorably affect Alaska, and I am sure that it will prove of great benefit to the entire country.

**STATEMENT OF MR. JOSEPH P. HOWE, OF CONNECTICUT, MEMBER
OF THE CONSERVATION COMMITTEE OF THE CAMPFIRE CLUB
OF AMERICA.**

Mr. Howe. Mr. Chairman and gentlemen, for the attitude of the sportsmen of Connecticut, I refer the committee to the statement filed with it by the Hon. F. C. Walcott, chairman of the Connecticut State Game Commission; and, second, the statement of Mr. Greeley already made to the committee, as to the attitude of the Campfire Club of America.

The statement of Mr. Walcott follows:

STATEMENT SUBMITTED BY FREDERIC C. WALCOTT, PRESIDENT OF THE FISH AND GAME
COMMISSION OF CONNECTICUT.

At a recent meeting in Meriden, Conn., of all the sportsmens' clubs of Connecticut—47 in number—the New-Anthony bill was unanimously approved and its passage enthusiastically urged as a necessary adjunct to or enforcing measure for the Federal migratory bird law.

The feeling in Connecticut is typical of all the New England States, where the sportsmens' associations are composed chiefly of workingmen who must get their sport within their own State and who see it disappearing for lack of Government-owned sanctuaries and shooting lands.

A day or two of sport costs these men from \$5 to \$10, so that \$1 is a small item to them for the protection afforded to what they consider their inalienable right—free shooting.

There are 20,000,000 people in the seven eastern States—New York, Pennsylvania, New Jersey, Connecticut, Massachusetts, Vermont, and New Hampshire. The sportsmen of these States are anxious to get this bill passed. They will contribute a large percentage of the license money that will be spent in the agricultural States of the Middle West and West. It is a good business proposition for the farmer.

Respectfully submitted.

F. C. WALCOTT,
President Connecticut Fish and Game Commission.

**STATEMENT OF MR. CHARLES SHELDON, A VICE PRESIDENT OF
THE BOONE AND CROCKETT CLUB, OF NEW YORK.**

Mr. Sheldon. Mr. Chairman and gentlemen, I appear in behalf of the Boone and Crockett Club, of New York, in favor of the bill, and request that inasmuch as no time

64 MIGRATORY BIRD REFUGES AND PUBLIC SHOOTING GROUNDS.

has been allowed me to make remarks, a letter from the president of the club to the chairman of this committee be printed in the record.

(The letter referred to follows:)

FEBRUARY 15, 1922.

HON. GILBERT N. HAUGEN,

Chairman Committee on Agriculture,

House of Representatives, Washington, D. C.

DEAR SIR: I had hoped to appear before your committee at the hearing to be held Thursday, February 16, on the New-Anthony bill (H. R. 5823), which, I am told, is then to be considered. Business appointments prevent me from going to Washington, and I must therefore ask your permission to give my views by letter.

From many speakers you will learn how the measure is regarded by groups of sportsmen, naturalists, and lawyers, but I venture to call your attention to an especial point of great economic importance which may not be touched on by others.

A provision of the bill referred to in several sections, especially section 10, authorizes the purchase or renting of areas for "use as public shooting grounds and migratory-bird refuges." Since the migratory birds which are shot are for the most part wild fowl, and since wild fowl require water in places where they stop for food, rest, and refuge, it follows that the areas just referred to will be chiefly bodies of water or places where water is at hand; in other words, lakes, ponds, and swamps.

I believe it is essential to the best interests of the farmer that existing bodies of water—the lakes, ponds, and swamps here referred to—be permitted to remain undisturbed and undrained. They will be left in their natural condition if they pass into the hands of the United States Government by this bill.

A serious danger threatens agriculture from the widespread draining of portions of the country and the removal of its water, often for the supposed purpose of increasing the area of its cultivable land. Many people who know little or nothing about the subject are readily persuaded by interested persons that a lake or swamp, if drained, will add something to the owner's acreage, furnish more land to be used for the growing of crops, and in this way increase the yield of the farm, to the advantage of the owner and incidentally of the country at large.

Very often this assumption is quite false, yet it appeals strongly to the farmer. He does not realize the uncertainty about the use of these drained areas for agriculture. He does not consider that often they are infertile because they have bottoms of clay and sand, which is without value for the growing of crops, or if they hold a little humus from the decay of plant growth, this fertile soil is thin and soon exhausted, and the subsoil is without value for crops.

Moreover, the landowner often does not understand that the most useful function of these lakes and swamps consists in serving as catch basins and reservoirs to hold water which they gradually give out during times of drought. Nor does he understand that the draining of such areas tends greatly to hasten the run-off of the precipitation falling on the general region, and that in its running off this water tends to carry away with it the surface soil and thus to render the land less fertile and to fill up the streams, great and small.

It is a matter of common knowledge that the clearing of the forests from the country has tended to reduce and render irregular its water supply. Since, now, there are no forests, with spongy floors to hold the precipitation of winter and spring, giving it off gradually, the water that falls tends at once to rush downhill into the streams.

The almost universal cultivation of the fields in the farming country facilitates erosion and hastens the washing away of the surface soil, which the water carries down into the rivers, whose channels it fills up and whose flow under ordinary conditions is greatly reduced, while under extraordinary conditions they become flooded, raging torrents, destroying property and life.

The disappearance of the surface soil of cultivated fields everywhere, though most heard of in the Mississippi Valley, is a direct and immediate menace to the farmer. Though scarcely noticed from day to day, it is continuous and progressive. It is perhaps best understood by people who live along streams flowing into great rivers, like the Ohio, Mississippi, and Missouri, and they, if at all observant, know well how fast the streams are filling up. This filling up is a measure of the disappearance of the surface soil on which the farmer depends for his crops.

The draining of these swamps and lakes exposes areas of land on which seed may be planted but on which in many cases crops fail to grow. Whether these areas produce crops or not, the operation of draining the water from them has a serious, widespread, and as yet little-understood effect over extensive areas. It lowers the water table of the whole neighborhood for many miles round about; it makes land formerly moist and fertile now incapable of producing crops because of drought; in other words, through lack of subirrigation, it means that the water level of other lakes and other

swamps 10 or 20 miles distant will gradually be lowered, and sometimes to a point where these distant lakes go dry.

At the present time this drainage is commonly undertaken without the slightest knowledge or even consideration of what is likely to happen. Often no one is benefited by it; often many people are harmed.

A more or less evident example of this is the drainage of the Kankakee district in Indiana, where a long ditch was made in order to straighten the Kankakee River, and to drain an area something like 50 miles long and from 5 to 10 miles wide. Since this area began to be drained, lakes near Laporte and Valparaiso—which are from 12 to 15 miles distant from the ditch—are drying up. Other lakes have had their level lowered and are considerably reduced in size, to the great damage of many people who have lived along their banks.

Geologists, called in consultation over the situation at Laporte, Ind., find that since 1912 the lakes at Laporte have fallen something like 5 feet. A city official believes that it averages about 9 inches per year, or between 7 and 8 feet in 10 years. During the past 15 years, the water table under the city has lowered from 5 to 7 feet. Where formerly they were obliged to go down 28 to 30 feet to reach water, they now have to go 35 feet.

This lowering of the water table has an obvious influence on the crops of the region. Over a large area there is a reduced production; and now a slight drought greatly injures the crops, because the water table is so much lower and there is less sub-irrigation, or none. On the other hand, very few people connect these losses with the drainage. They complain of the "dry weather."

If this drainage continues on a considerable scale there is a possibility, if not an actual probability, that after a time the building will be advocated of irrigation canals, perhaps from Lake Michigan, and the water which the people of the region have paid to get rid of, they will then have to pay to get back on the land.

A remedy for this condition of things over much of our country is the preservation of the remaining lakes and swamps which are its natural reservoirs. This preservation may be best carried out, it appears to me, by the passage of this bill, under which very considerable areas of lakes and swamps would pass into the hands of the United States Government, and in practice without cost to the Government, since the money for them would be furnished by the men who would use the land for only a small portion of the year.

That the preservation of these lakes, ponds, and swamps is an important factor in the conservation of our constantly diminishing water supply is a potent argument in favor of the passage of this bill (H. R. 5823, S. 1452). It is time now, after a century of most wasteful expenditure of our natural resources, that we should look forward, and begin to provide for the welfare of those who are to follow us.

Much more might be said as to the important relation of these natural reservoirs to agriculture, but to those who have looked into the matter most of it is so obvious and so generally known that it seems hardly necessary to do more than to call to your attention this aspect of the bill.

Yours, respectfully,

GEO. BIRD GRINNELL.

STATEMENT OF MR. FRED S. MATHIAS, OF CHEHALIS, WASH.

Mr. MATHIAS. Mr. Chairman and gentlemen of the committee, I represent the Washington State Sportsmen's Association and the Hoquiam Rod and Gun Club, of Hoquiam, Wash. The former has a State-wide membership in every county in the State, while the latter, located in a town of about 7,000 population, has a membership of over 700.

Both of these organizations voted unanimously in favor of the passage of H. R. 5823. In fact, every gunner I have talked with is enthusiastic over this measure. Our State game officials also indorse the bill.

I respectfully request, on behalf of those whom I represent, that you report this bill favorably at an early date and work for its passage.

STATEMENT OF MR. M. L. ALEXANDER, STATE GAME COMMISSIONER OF LOUISIANA.

Mr. ALEXANDER. Mr. Chairman, the State of Louisiana is in accord with the purposes of this bill, which will not only protect the game for future generations but will provide sport for the sportsmen of to-day and for future generations. We hope that your committee will report it favorably at an early date.

STATEMENT OF MR. C. O. YOUNG, CHAIRMAN OF THE WEST VIRGINIA FISH AND GAME COMMISSION.

Mr. YOUNG. Mr. Chairman and gentlemen of the committee, I want it understood that the West Virginia Fish and Game Commission, as well as the sportsmen in that State and those interested in outdoor life, heartily indorse this bill.

STATEMENT OF MR. GEORGE W. FIELD, OF MASSACHUSETTS.

Mr. FIELD. Mr. Chairman and gentlemen, I was formerly chairman of the Fish and Game Commission of Massachusetts, and I have been a student of this problem for many years. I was chairman of our fish and game commission for 12 years, and I believe the principle of the bill is entirely sound and is the only proper solution of the problem for the complete administration of the Federal migratory bird law.

STATEMENT SUBMITTED BY MR. BROOKE ANDERSON, MEMBER FEDERAL ADVISORY BOARD AND PRESIDENT RED TOP STEEL POST CO., 138 SOUTH DEARBORN STREET, CHICAGO, ILL.

Manufacturing a product that goes to the farmers, I am in close touch with a large number of them throughout the Middle West. During the last year I have interviewed several hundred of the leading landowners in this section and without exception they are in favor of the public shooting ground—game refuge bill.

Many of them spoke to me about the great increase in the number of bobolinks, meadow larks, insect and weed-eating birds. The increase in these birds since the advent of the treaty with Canada has saved them thousands of dollars in crops, and they are enthusiastic for any bill that will make the enforcement of the Federal regulations more efficient.

I also represent the sportsmen of the Illinois and central west district on the national advisory board. I do not belong to any of the large duck clubs and, therefore, represent the class of sportsmen who has to depend on public shooting grounds. This class of sportsmen throughout the Middle West are strongly in favor of this bill.

If we do not have the means provided for the purchase of public shooting grounds, it is only going to be a matter of a few years until the man who hunts on public grounds will have no place to shoot, the same condition existing as in Europe. Every year more farmers post their land preventing shooting, and you can not blame them for doing so.

The draining of marsh land and lakes has restricted the hunting area until the average man has very few places to hunt. The passage of this bill will save the Federal Government thousands of dollars which heretofore have been appropriated for the enforcement of the migratory bird treaty act. It will increase the number of ducks and other migratory birds and will provide proper shooting places for the average sportsman of America. Therefore, I am heartily in favor of this bill.

MADISON, Wis., February 17, 1922.

HON. GILBERT N. HAUGEN,
Chairman House Committee on Agriculture,
Washington, D. C.

DEAR MR. HAUGEN: I am addressing this letter to you in the interest of the sportsmen of the State of Wisconsin on House bill 5823, providing a Federal hunting license for the hunting of migratory water fowl, moneys received for sale of licenses to be used for the purchase of game refuges, public shooting grounds, and for the providing of an adequate Federal warden force for the enforcement of the migratory bird laws. I have had the honor to be president of the International Association of Game, Fish, and Conservation Commissioners, and, having held such office, feel that I am qualified to express their wishes and interests in the passage of this bill. It was my intention to have attended the hearing which was held on the 16th and 17th of this month before your committee, but important business in connection with our work in Wisconsin made it impossible for me to leave. I know of no single sportsman but who is in favor of this bill. It is evident to sportsmen familiar with game conditions that legislation must be passed that will provide refuges and proper protection for these birds. All other varieties of game have become exceedingly scarce, and as a matter of fact, in most States the only game left are our migratory water fowl and unless more interest is shown and adequate laws passed it is only a question of a few years before

these birds will have traveled the road that other game in the United States has traveled. There should be no serious objections from any section of the United States to this bill. Sportsmen are willing to pay the money for the licenses and the provision in this bill plainly designates the purposes for which this money is to be used, which is without any qualification a distinct protective measure. I am not only speaking for the sportsmen of Wisconsin but, as above stated, I have come in contact with commissioners of the various States and the Provinces of Canada and have heard no voice raised among any of them against this bill, but on the other hand all favor it and voted for resolutions which I am sure have been forwarded to your committee.

I trust that this bill will receive the attention it deserves from your committee and that it will be favorably acted upon when brought before the House.

Thanking you most cordially for the interest you have manifested in this measure and trusting that it will become a law without any impairment by subsequent amendments, I am,

Yours, very respectfully,

W. E. BARBER,
Chairman State Conservation Commission.

STATEMENT SUBMITTED BY W. H. LYON, OF SIOUX FALLS, S. DAK.

Mr. Chairman and members of the House Committee on Agriculture, it is with considerable diffidence that I oppose the passage of the above bill, which is sponsored by Frederic R. Coudert, one of the ablest lawyers in the United States, and by the Department of Agriculture, the Budget Commission, and a large representation of sportsmen from many States.

I prepared and introduced the bird refuge bill now in force in my State, which was at first vigorously opposed by sportsmen, but is now universally indorsed by them and the general public with equal enthusiasm. Our fly ways and duck passes were being leased, purchased, and monopolized by nonresident shooting clubs and wealthy sportsmen, and our own citizens were being excluded therefrom. I therefore introduced another bill giving our State the right to condemn such fly ways and passes and restore them to the common use of the public. This bill also became a law, but the State has never found it necessary to utilize its provisions, as the owners and lessees of these passes and fly ways, knowing that such properties could be condemned and appropriated by the State, have been extremely courteous to local sportsmen and do not monopolize the shooting as formerly.

The purpose of the pending bill, as indicated in the printed brief prepared by Mr. Coudert, is for "protecting migratory birds," but the principal purpose of the bill itself, as appears in section 10, is for the establishment of shooting grounds in the various States and under the exclusive management and control of the National Government. This, I believe, will not appeal to the sportsmen of my State, nor do I think it will to those in other good "shooting States."

If the National Government, through this bill, assumes jurisdiction of bird shooting and requires the taking out of a Federal license therefor in the sum of \$1, there may be a considerable question as to whether this will not prevent the various States from requiring similar licenses, but there can be no question that such a Federal license will permit its possessor to utilize the Federal shooting grounds in any State in the Union without paying any State license whatever, and thus deprive such State of much of the revenue now derived from nonresident sportsmen.

Many States allow the occupant to shoot upon his own farm in shooting season without taking out a license but this bill will require him to obtain a Federal license before he can shoot any of the birds which have been hatched, protected, and fed upon his own property.

Our State regards fishing as the poor man's sport and requires no license therefor. But this bill will require even women and children as well as men to take out a Federal license before they can fish or even trap a mink or muskrat or catch a frog or even enter upon any Federal shooting grounds or bird or game refuge acquired under the provisions of this bill or otherwise, and including public lands which may be so designated by proclamation or Executive order.

This bill contemplates "the construction of cabins and other necessary improvements" upon such "shooting grounds" by the National Government and will undoubtedly require the appointment of numerous game wardens and deputies to protect these grounds and improvements as well as to enforce the general provisions as to shooting without a license, etc. These are likely to become even more exasperating to the general public than the swarm of prohibition officers and spotters you have

found it necessary to turn loose in endeavoring to enforce the eighteenth constitutional amendment. This bill will permit any employee of the Department of Agriculture to make arrests without a warrant for a violation of any provisions of the act or of any rule or regulation made by the Secretary of Agriculture with reference thereto, and drag the victims away hundreds of miles for a hearing before a United States commissioner, followed by a trial in the Federal courts and subjecting them to a fine of \$500 and six months in jail.

I am satisfied that the legislature of my State will not enact any legislation allowing the National Government to acquire and exclusively control shooting grounds in our State. But under the provisions of this bill our sportsmen must pay this Federal license although not a single dollar of the proceeds will probably be spent in our State except for the payment of salaries of Federal spotters and game wardens to enforce the provisions of the law.

I am strongly in favor of any necessary legislation that will protect breeding grounds and provide refuges and sanctuaries for migratory birds. It is possible even that the National Government should aid the various States in acquiring such grounds and waters by paying a portion of the expense therefor, but such grounds and waters should, like our Federal aided roads and highways, remain under the exclusive control and management of the various states. Local sentiment will soon develop, if it has not already done so, to the extent that it can be depended upon to see that the various States perform their duty in respect to migratory birds.

The testimony before your committee was that the Federal law prohibiting spring shooting is generally well enforced and that the game departments of all except three or four States were actively cooperating in its enforcement. Any State which has not passed a similar law or fails to enforce it if already passed would be compelled by public opinion to do so if so requested by the Federal authorities. As all States have game wardens constantly on the job a little supervision by Federal authorities should be sufficient to bring about the enforcement of the prohibition against spring shooting in almost every State in the Union and thus greatly diminish the amounts now expended in keeping up the present Federal game warden organization.

Referring to my own State, I am quite sure that our people would greatly prefer to have our State bear the entire expense of acquiring any necessary breeding grounds and waters for migratory birds, rather than have the National Government do so and assume complete jurisdiction thereof and levy an annual hunting license upon our people.

If present shooting licenses are to be doubled as contemplated by this bill the game departments of the various States and, particularly my own State, can use the additional funds to much greater advantage than if turned over to a Federal game warden department. The various States, through legislation, can protect necessary breeding homes and establish refuges without the necessity of actually purchasing the same.

The plan for utilizing breeding places and bird refuges as shooting grounds as contemplated in this bill seems to me utterly impracticable. Breeding grounds and refuges should be permanent sanctuaries and should never be used for shooting purposes.

W. H. LYON.

WASHINGTON, D. C., February 17, 1922.

Mr. TINCHER. Mr. Chairman, I do not suppose—as I understand it, the Senate has reported out this bill.

Mr. CLARKE. Did they make any changes?

Mr. TINCHER. I think not. I am friendly to the bill, but I am not going to move at this time to report it out. I am going to suggest that the committee meet on it—well, within the next two weeks some day—that we meet and consider the bill as a committee.

Mr. JONES. Mr. Chairman—the chairman does not seem to be here. There were two or three others who opposed the bill and we have practically heard none of the opposition. We have devoted all the hearings to the proponents of the legislation. Mr. Moore of Virginia and one or two others were mentioned here this morning who wanted to appear in opposition.

Mr. TINCHER. I am sure this committee will always hear Mr. Moore if he wants to be heard.

Mr. JONES. There were two or three names and I do not think we ought to foreclose them.

Mr. TINCHER. No; I am not going to move to foreclose them, but I want to make the suggestion that the friends of the bill will try to report it out within the near future, so that they can be notified.

Mr. McLAUGHLIN of Michigan. I think we had better leave that to the chairman. He spoke this morning about dates being pretty well taken up, and if we undertake to fix a day it might interfere.

Mr. TINCHER. Make it some time in the near future.

Mr. KINCHELOE. I got some information some way that this seed bill that Mr. Riddick had up here—has that been reported to the House?

Mr. McLAUGHLIN of Michigan. No.

Mr. TINCHER. I reported a bill to the House—the Curtis bill—that passed the Senate. (The following was inserted on request:)

Amendments acceptable to H. R. 5823:

On page 1, line 5, after the word "person," insert "except as hereinafter provided."

On page 2, line 5, strike out the "period" and insert the following: "*Provided*, That such license shall not be required to be procured by any person or by any member of his immediate family for the purpose of hunting, pursuing, shooting, capturing, or killing any such migratory bird on any farm land owned by such person and occupied by him as his place of permanent abode."

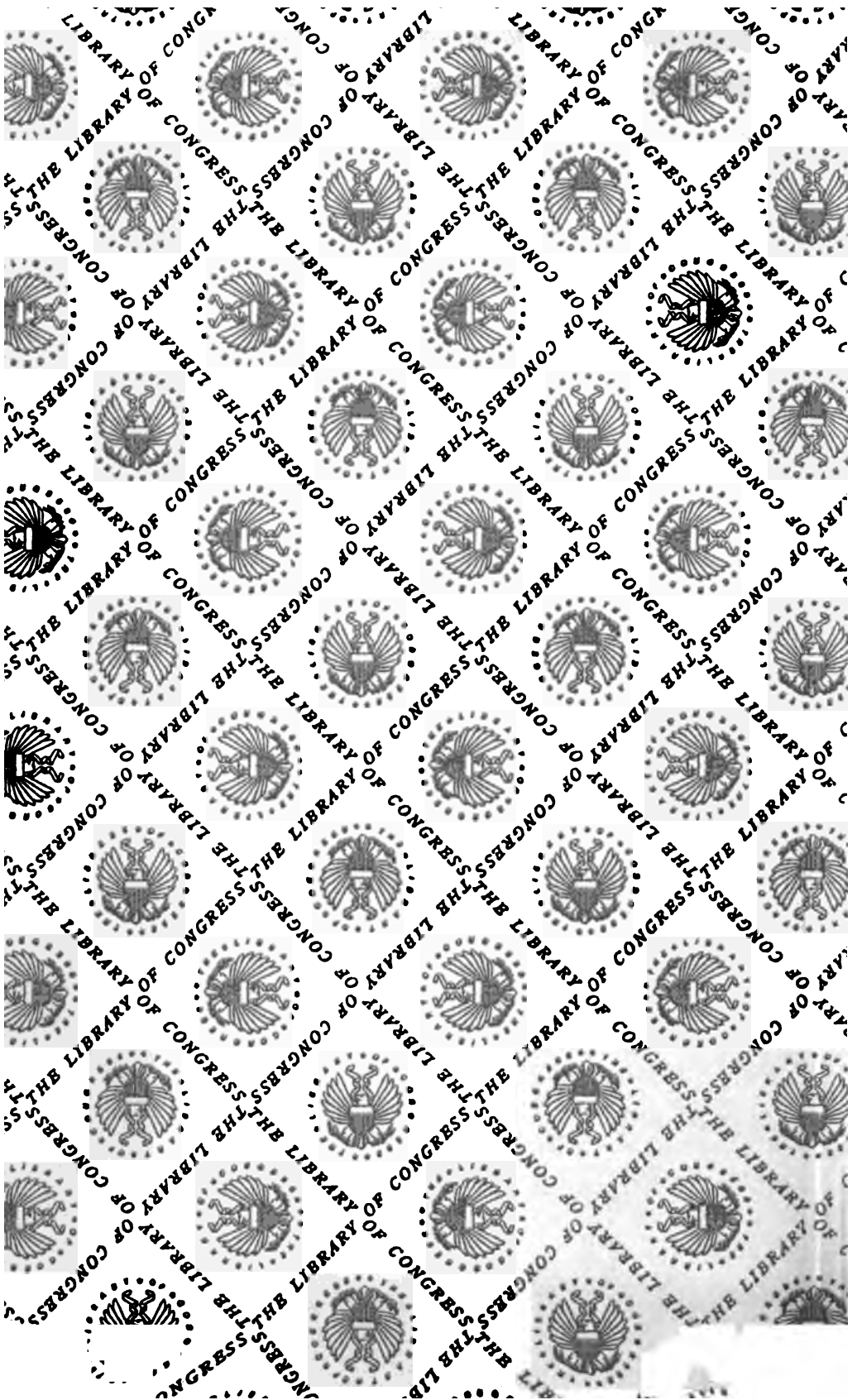
On page 7, line 9, strike out "fish, wild animal, or," and insert "migratory."

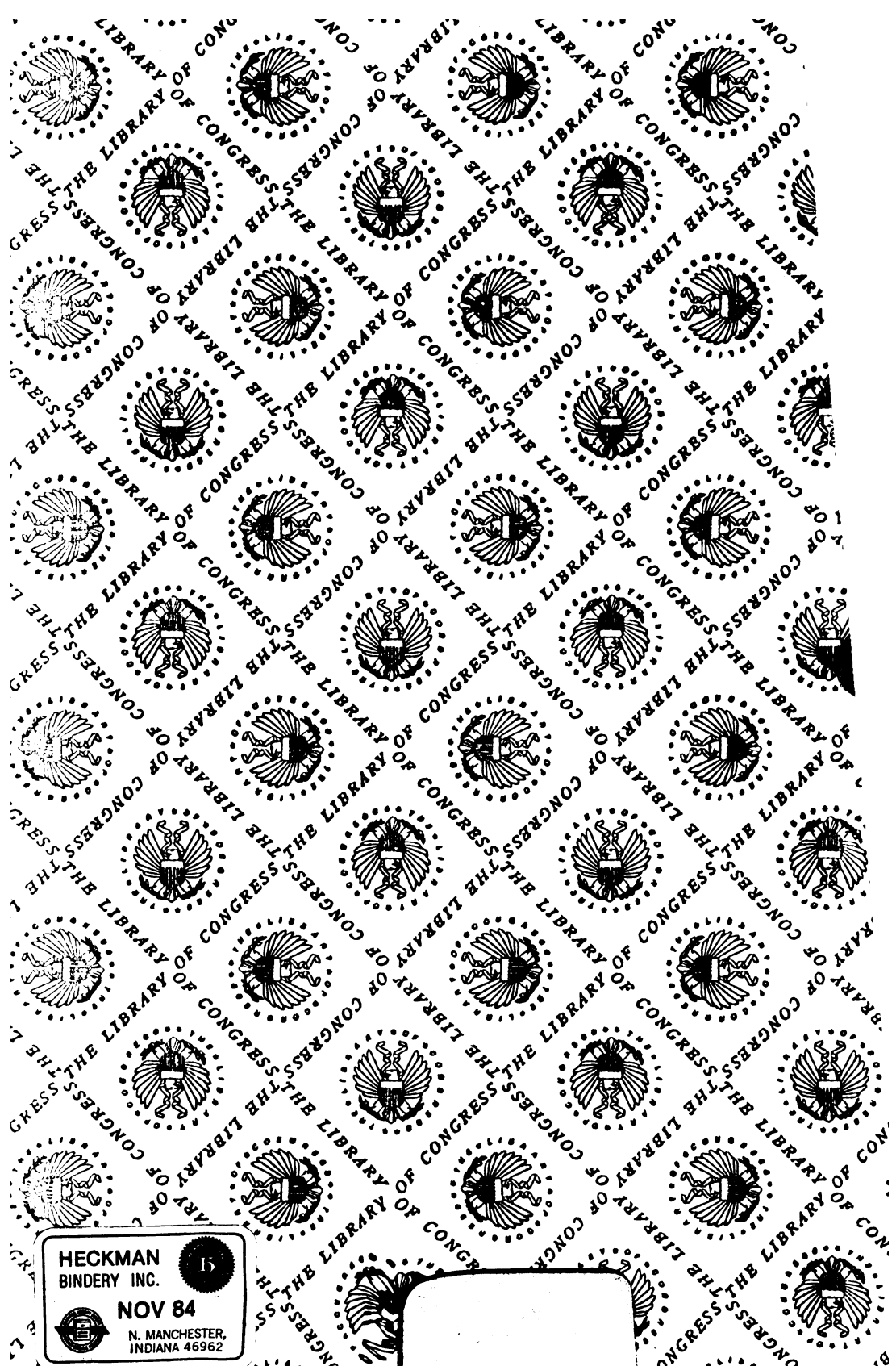
On page 7, lines 21 and 22, strike out "fish, wild animal, or wild," and insert in lieu thereof "migratory."

(Whereupon, at 12 o'clock noon, the committee adjourned.)



H 216 84



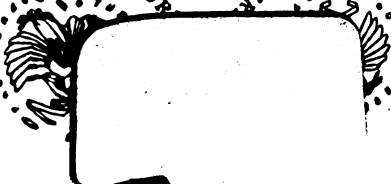


HECKMAN
BINDERY INC.



NOV 84

N. MANCHESTER,
INDIANA 46962



LIBRARY OF CONGRESS



0 010 234 261 6

